

APPENDIX E – OTHER ACTIONS ON PEANUT ISLAND

DEPARTMENT OF THE ARMY PERMIT

Permittee: Palm Beach County

Permit No. 199603357(IP-RM) DUPLICATE

Issuing Office: U.S. Army Engineer District, Jacksonville

NOTE: The term "you" and its derivatives, as used in this permit, means permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: To excavate approximately 1,000 cubic yards from 0. acres of tidal waters, construct a 130-foot bulkhead, a fishing pier 136-foot by 8-foot with a "T" shape platform 16-foot by 66-foot, a 20 slip dc 231-foot by 8-foot with a "T" shape platform 8-foot by 66-foot, 8 finger piers 5.5-foot by 16-foot and 10 mooring pilings as shown and described c the attached plans numbered 199603357(IP-RM) in 9 sheets, dated July 1, 1996.

Geographic Position: Latitude 26°46'03" North
Longitude 80°02'05" West

Project Location: The project is located on Peanut Island, Section 34, Township 42 South, Range 43 East, Palm Beach County, Florida. The projec is located in Lake Worth, adjacent to the Lake Worth Inlet.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **SEP 16 2001**. If you find that you need more time to complete the authorized activity,

submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature and mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. The permittee shall place manatee information signs on the 20 slip marina.

2. The permittee shall place 2 manatee awareness signs in close proximity to the boat dock facility.

3. The permittee shall abide by the manatee construction conditions.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(x) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)

(x) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.1 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree comply with the terms and conditions of this permit.

Paul K. Smith
(PERMITTEE)

Sept 16, 1996
(DATE)

This permit becomes effective when the Federal official, designated to a for the Secretary of the Army, has signed below.

Terry L. Rice
(DISTRICT ENGINEER)
TERRY L. RICE
Colonel, U.S. Army

17 September 1996
(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

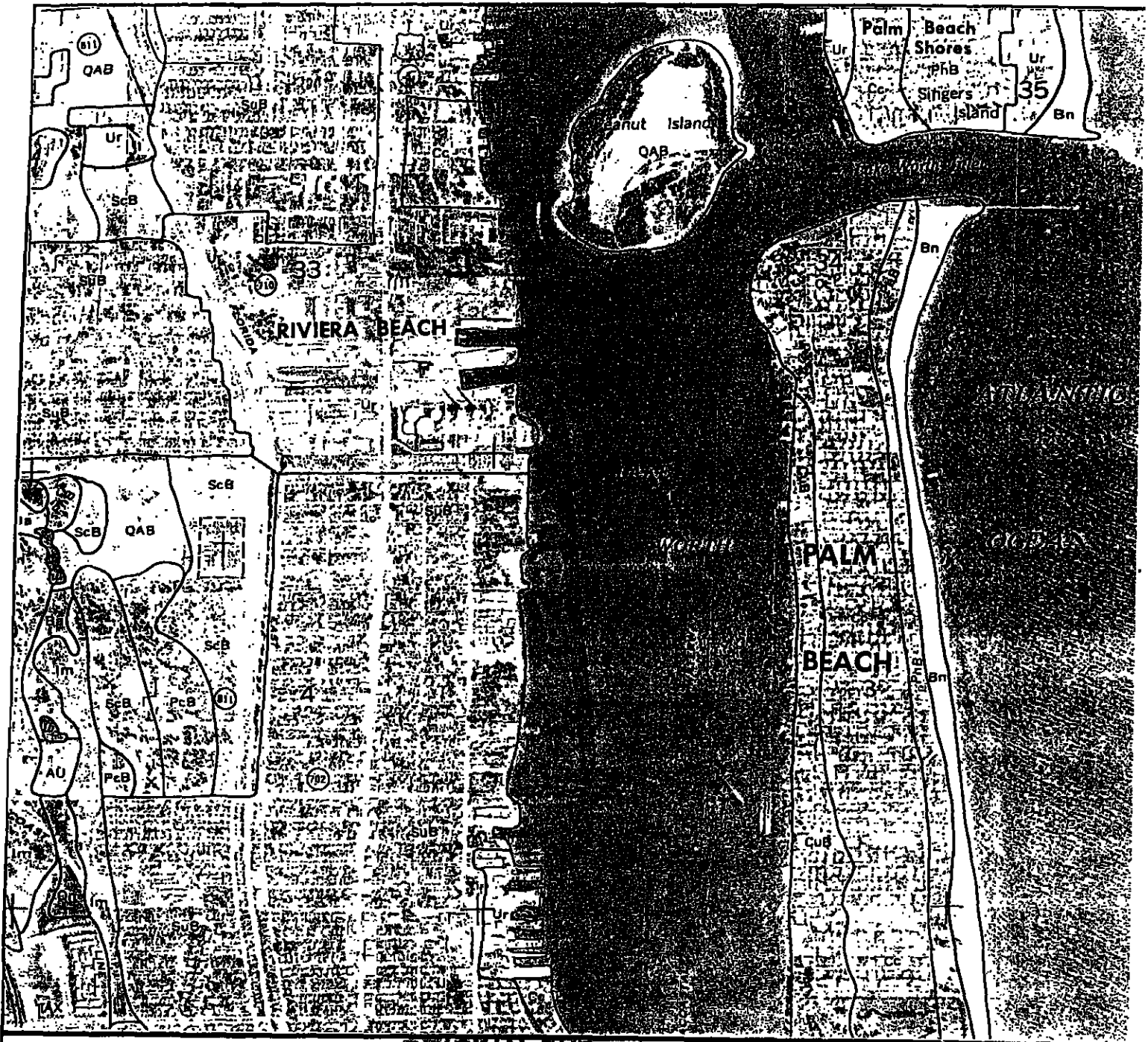
(TRANSFeree-SIGNATURE)

(DATE)

(NAME-PRINTED)

(ADDRESS)

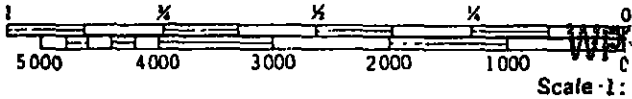
(CITY, STATE, AND ZIP CODE)



Source: USDA SCS Palm Beach County **ORIGINAL SUBMITTAL**

MAY 20 1996

Johnson
5/16/96

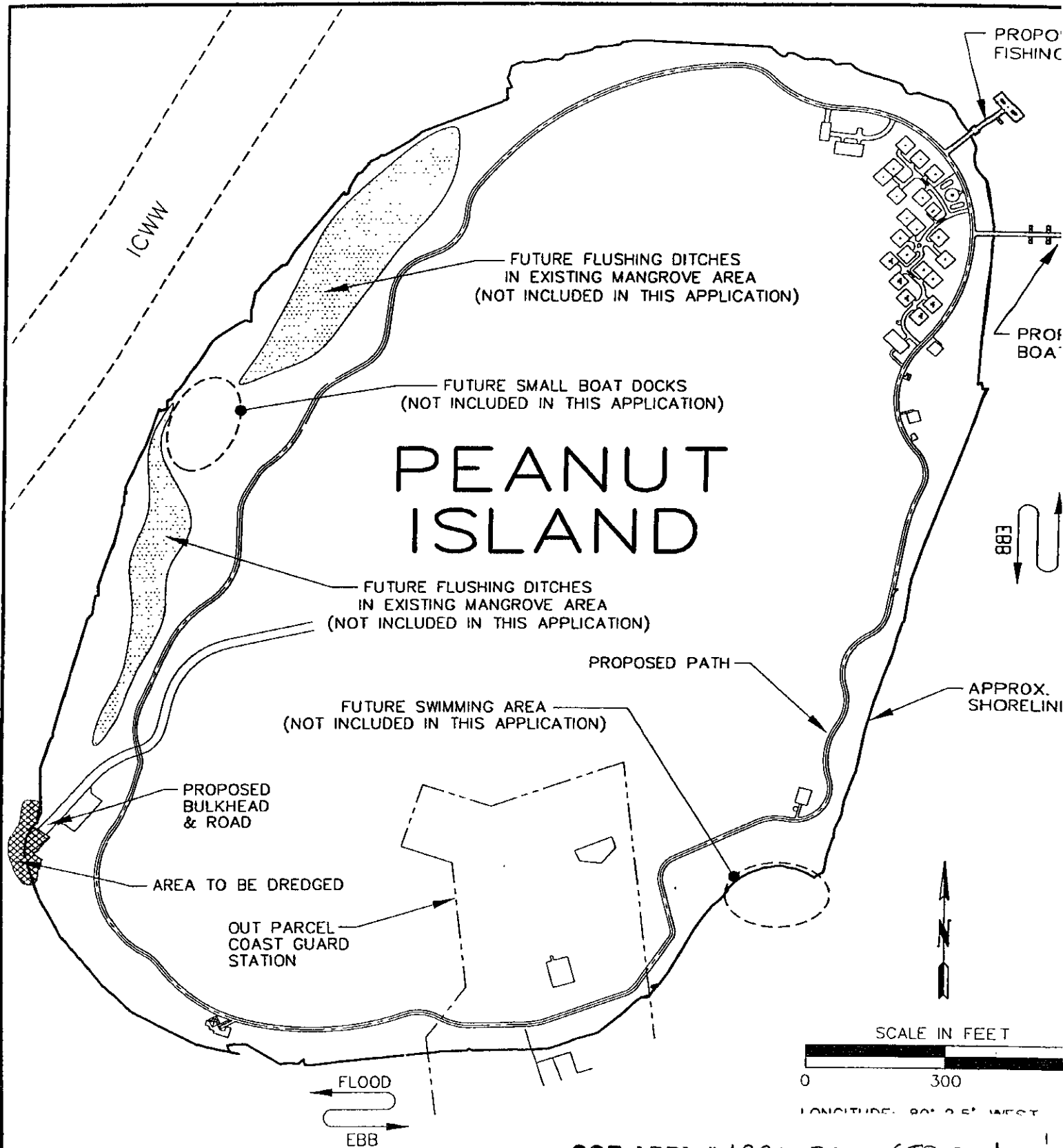


DESC. JSY
DRAW GOO
CHKD *[Signature]*
APRV *[Signature]*

PEANUT ISLAND
PALM BEACH COUNTY

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COE APPL # 199603357 (IP-RM)
DEP / SFWMD # 960520-18
DATE 7/1/96
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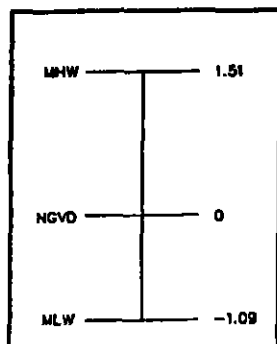
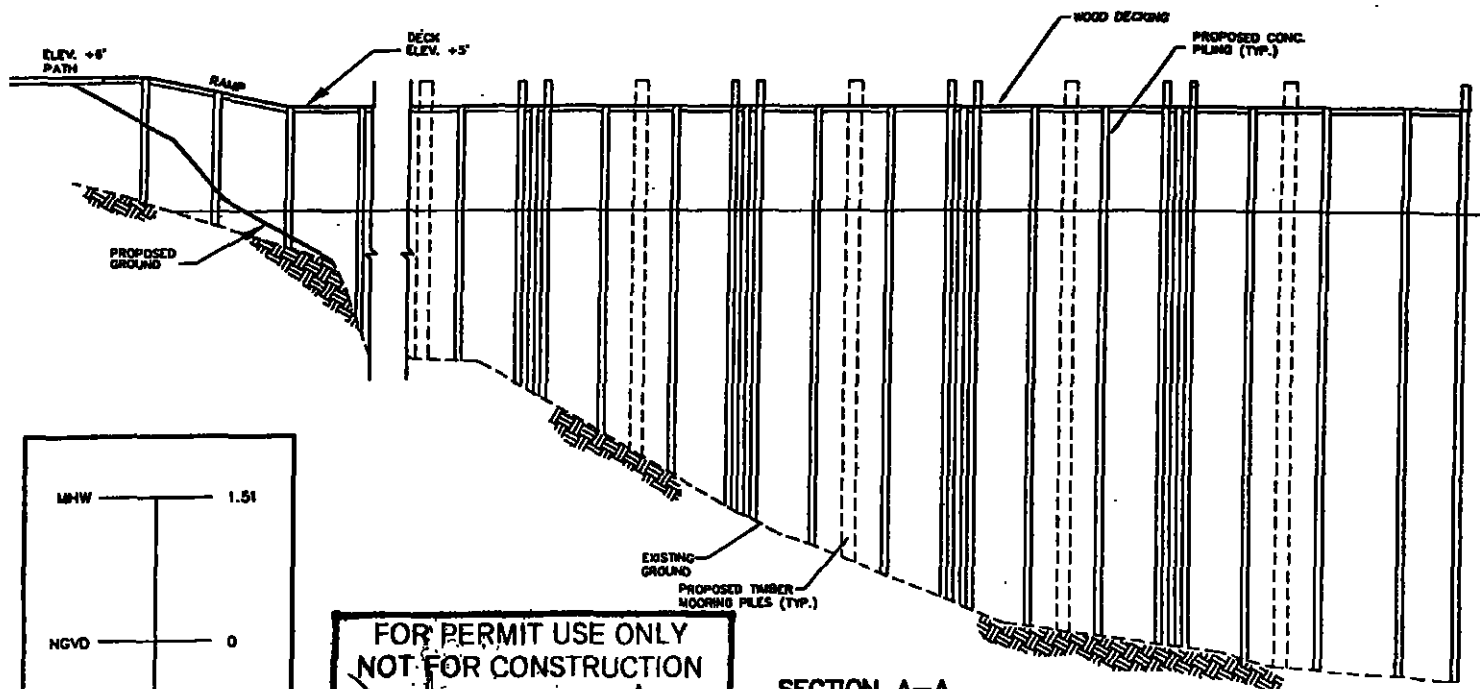
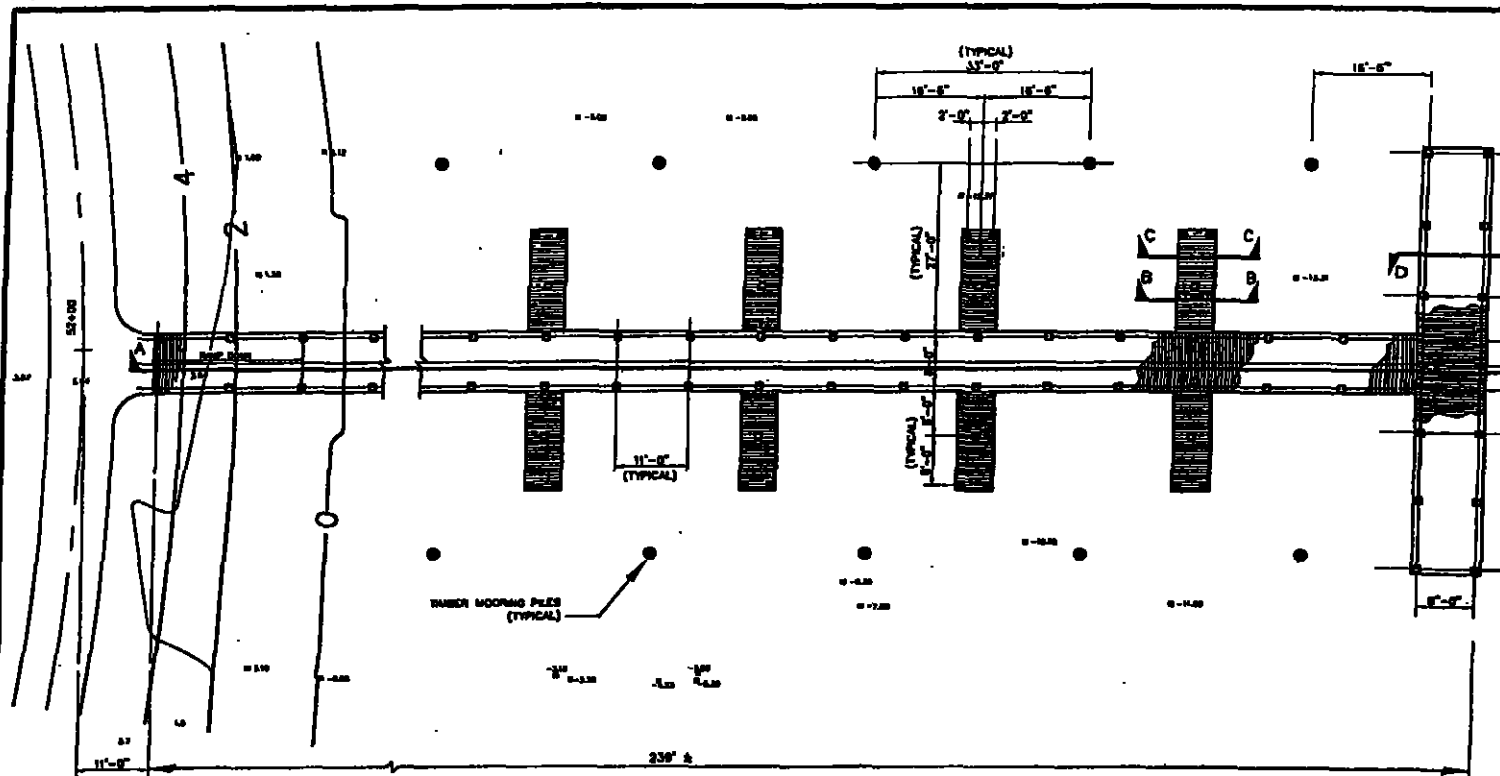


DESIG. JSY
DRAW GOO
CHKD DM
APRV JJA

VICINI
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RIVIERA BE
APPLICANT: PA

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COE APPL # 199603357 (IP-Rm)
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FOR PERMIT USE ONLY
NOT FOR CONSTRUCTION
John S. Yeend
JOHN. S. YEEND, P.E.
DATE 5/16/96

SCALE IN FEET



DESG.	JSY
DRAW	GOO
CHKD	<i>gry</i>
APRV	<i>gry</i>

PEAN
PALM BEA

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COE APPL # 199603557 (JP-Rm)

DEP / SFWMD # 960520-18

DATE 7/1/86

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SPECIAL CONDITIONS

1. MINIMUM BUILDING FLOOR ELEVATION: 9 FEET NGVD.
2. THE PERMITTEE SHALL BE RESPONSIBLE FOR THE CORRECTION OF ANY EROSION, SHOALING OR WATER QUALITY PROBLEMS THAT RESULT FROM THE CONSTRUCTION OR OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM.
3. MEASURES SHALL BE TAKEN DURING CONSTRUCTION TO INSURE THAT SEDIMENTATION AND/OR TURBIDITY PROBLEMS ARE NOT CREATED IN THE RECEIVING WATER.
4. THE DISTRICT RESERVES THE RIGHT TO REQUIRE THAT ADDITIONAL WATER QUALITY TREATMENT METHODS BE INCORPORATED INTO THE DRAINAGE SYSTEM IF SUCH MEASURES ARE SHOWN TO BE NECESSARY.
5. FACILITIES OTHER THAN THOSE STATED HEREIN SHALL NOT BE CONSTRUCTED WITHOUT AN APPROVED MODIFICATION OF THIS PERMIT.
6. OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM SHALL BE THE RESPONSIBILITY OF THE PERMITTEE. PRIOR TO TRANSFER OF TITLE FOR ANY PORTION OF THE PROJECT TO A THIRD PARTY, MODIFICATION OF THE PERMIT WILL BE REQUIRED.
7. SILT SCREENS, HAY BALES OR OTHER SUCH SEDIMENT CONTROL MEASURES SHALL BE UTILIZED DURING CONSTRUCTION. THE SELECTED SEDIMENT CONTROL MEASURES SHALL BE INSTALLED LANDWARD OF THE UPLAND BUFFER ZONES AROUND ALL PROTECTED WETLANDS. ALL AREAS SHALL BE STABILIZED AND VEGETATED IMMEDIATELY AFTER CONSTRUCTION TO PREVENT EROSION INTO THE WETLANDS AND UPLAND BUFFER ZONES.
8. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE PERIMETER OF THE PROTECTED WETLANDS AND BUFFER ZONES SHALL BE FENCED TO PREVENT ENCROACHMENT INTO THE WETLANDS. THE PERMITTEE SHALL NOTIFY THE SFWMD'S ENVIRONMENTAL COMPLIANCE STAFF IN WRITING UPON COMPLETION OF FENCING AND SCHEDULE AN INSPECTION OF THIS WORK. THE PERMITTEE SHALL MODIFY THE FENCING IF SFWMD STAFF DETERMINES IT IS INSUFFICIENT OR IS NOT IN CONFORMANCE WITH THE INTENT OF THIS PERMIT. FENCING SHALL REMAIN IN PLACE UNTIL ALL ADJACENT CONSTRUCTION ACTIVITIES ARE COMPLETE.
9. THE SFWMD RESERVES THE RIGHT TO REQUIRE REMEDIAL MEASURES TO BE TAKEN BY THE PERMITTEE IF WETLAND AND/OR UPLAND MONITORING OR OTHER INFORMATION DEMONSTRATES THAT ADVERSE IMPACTS TO PROTECTED, CONSERVED, INCORPORATED OR MITIGATED WETLANDS OR UPLANDS HAVE OCCURRED DUE TO PROJECT RELATED ACTIVITIES.
10. ANY FUTURE CHANGES IN LAND USE OR TREATMENT OF WETLANDS AND/OR UPLAND BUFFER/COMPENSATION AREAS MAY REQUIRE A SURFACE WATER MANAGEMENT PERMIT MODIFICATION AND ADDITIONAL ENVIRONMENTAL REVIEW BY DISTRICT STAFF. PRIOR TO THE PERMITTEE INSTITUTING ANY FUTURE CHANGES NOT AUTHORIZED BY THIS

PERMIT, THE PERMITTEE SHALL NOTIFY THE SFWMD OF SUCH INTENTIONS FOR A DETERMINATION OF ANY NECESSARY PERMIT MODIFICATIONS.

11. THE PERMITTEE SHALL BE RESPONSIBLE FOR THE SUCCESSFUL COMPLETION OF THE MITIGATION WORK, INCLUDING THE MONITORING AND MAINTENANCE OF THE MITIGATION AREAS FOR THE DURATION OF THE PLAN. THE MITIGATION AREA(S) SHALL NOT BE TURNED OVER TO THE OPERATION ENTITY UNTIL THE MITIGATION WORK IS ACCOMPLISHED AS PERMITTED AND SFWMD STAFF HAS CONCURRED.
12. ACTIVITIES ASSOCIATED WITH IMPLEMENTATION OF THE WETLAND MITIGATION, MONITORING AND MAINTENANCE SHALL BE IN ACCORDANCE WITH THE FOLLOWING WORK SCHEDULE. ANY DEVIATION FROM THESE TIME FRAMES SHALL REQUIRE FORMAL SFWMD APPROVAL. SUCH REQUESTS MUST BE MADE IN WRITING AND SHALL INCLUDE (1) REASON FOR THE MODIFICATION; (2) PROPOSED START/FINISH DATES; AND (3) PROGRESS REPORT ON THE STATUS OF THE EXISTING MITIGATION EFFORTS.

COMPLETION DATE	ACTIVITY
APRIL 1, 1997	TIME ZERO SEAGRASS SURVEY
MAY 1, 1997	TIME ZERO MONITORING REPORT
SEPTEMBER 1, 1998	FIRST MONITORING REPORT
SEPTEMBER 1, 1999	SECOND MONITORING REPORT
SEPTEMBER 1, 2000	THIRD MONITORING REPORT
SEPTEMBER 1, 2001	FOURTH MONITORING REPORT
SEPTEMBER 1, 2002	FIFTH MONITORING REPORT

13. ENDANGERED SPECIES, THREATENED SPECIES, OR SPECIES OF SPECIAL CONCERN HAVE BEEN OBSERVED ONSITE AND/OR THE PROJECT CONTAINS SUITABLE HABITAT FOR THESE SPECIES. IT SHALL BE THE PERMITTEE'S RESPONSIBILITY TO COORDINATE WITH THE FLORIDA GAME AND FRESH WATER FISH COMMISSION AND/OR U.S. FISH AND WILDLIFE SERVICE FOR APPROPRIATE GUIDANCE, RECOMMENDATIONS, AND/OR NECESSARY PERMITS TO AVOID IMPACTS TO LISTED SPECIES.
14. THE PERMITTEE SHALL COMPLY WITH THE FOLLOWING MANATEE PROTECTION CONSTRUCTION CONDITIONS:
 - A) THE PERMITTEE SHALL INSTRUCT ALL PERSONNEL ASSOCIATED WITH THE PROJECT OF THE POTENTIAL PRESENCE OF MANATEES AND THE NEED TO AVOID COLLISION WITH MANATEES. ALL CONSTRUCTION PERSONNEL ARE RESPONSIBLE FOR OBSERVING WATER-RELATED ACTIVITIES FOR THE PRESENCE OF MANATEE(S).
 - B) THE PERMITTEE SHALL ADVISE ALL CONSTRUCTION PERSONNEL THAT THERE ARE CIVIL AND CRIMINAL PENALTIES FOR HARMING, HARASSING, OR KILLING MANATEES WHICH ARE PROTECTED UNDER THE MARINE MAMMAL PROTECTION ACT OF 1972, THE ENDANGERED SPECIES ACT OF 1973, AND THE FLORIDA MANATEE SANCTUARY ACT.
 - C) SILTATION BARRIERS SHALL BE MADE OF MATERIAL IN WHICH MANATEES CANNOT BECOME ENTANGLED, ARE PROPERLY SECURED, AND ARE REGULARLY MONITORED TO AVOID MANATEE ENTRAPMENT. BARRIERS MUST NOT BLOCK MANATEE ENTRY TO OR EXIT FROM ESSENTIAL HABITAT.

D) ALL VESSELS ASSOCIATED WITH THE CONSTRUCTION PROJECT SHALL OPERATE AT "NO WAKE/IDLE" SPEEDS AT ALL TIMES WHILE IN THE CONSTRUCTION AREA AND WHILE IN WATER WHERE THE DRAFT OF THE VESSEL PROVIDES LESS THAN FOUR-FEET CLEARANCE FROM THE BOTTOM. ALL VESSELS WILL FOLLOW ROUTES OF DEEP WATER WHENEVER POSSIBLE.

E) IF MANATEES OR SEA TURTLES ARE SEEN WITHIN 100 YARDS OF THE ACTIVE DAILY CONSTRUCTION/DREDGING OPERATION OR VESSEL MOVEMENT, ALL APPROPRIATE PRECAUTIONS SHALL BE IMPLEMENTED TO ENSURE PROTECTION OF THE MANATEE OR SEA TURTLE. THESE PRECAUTIONS SHALL INCLUDE THE OPERATION OF ALL MOVING EQUIPMENT NO CLOSER THAN 50 FEET OF A MANATEE OR SEA TURTLE. OPERATION OF ANY EQUIPMENT CLOSER THAN 50 FEET TO A MANATEE OR SEA TURTLE SHALL NECESSITATE IMMEDIATE SHUTDOWN OF THAT EQUIPMENT. ACTIVITIES WILL NOT RESUME UNTIL THE MANATEE OR SEA TURTLE HAS DEPARTED THE PROJECT AREA OF ITS OWN VOLITION.

F) ANY COLLISION WITH AND/OR INJURY TO A MANATEE SHALL BE REPORTED IMMEDIATELY TO THE FLORIDA MARINE PATROL AT 1-800-DIAL-FMP (1-800-342-5367). COLLISION AND/OR INJURY SHOULD ALSO BE REPORTED TO THE U.S. FISH AND WILDLIFE SERVICE IN VERO BEACH (1-407-562-3909).

G) TEMPORARY SIGNS CONCERNING MANATEES SHALL BE POSTED PRIOR TO AND DURING ALL CONSTRUCTION/DREDGING ACTIVITIES. ALL SIGNS ARE TO BE REMOVED BY THE PERMITTEE UPON COMPLETION OF THE PROJECT. A SIGN MEASURING AT LEAST THREE (3) FEET BY FOUR (4) FEET WHICH READS "CAUTION: MANATEE AREA" WILL BE POSTED IN A LOCATION PROMINENTLY VISIBLE TO WATER RELATED CONSTRUCTION CREWS. A SECOND SIGN SHOULD BE POSTED IF VESSELS ARE ASSOCIATED WITH THE CONSTRUCTION, AND SHOULD BE PLACED VISIBLE TO THE VESSEL OPERATOR. THE SECOND SIGN SHOULD BE AT LEAST 8 1/2 INCHES BY 11 INCHES AND SHOULD READ "CAUTION: MANATEE HABITAT". IDLE SPEED IS REQUIRED IF OPERATING A VESSEL IN THE CONSTRUCTION AREA. ALL EQUIPMENT MUST BE SHUTDOWN IF A MANATEE COMES WITHIN 50 FEET OF OPERATION. ANY COLLISION WITH AND/OR INJURY TO A MANATEE SHALL BE REPORTED IMMEDIATELY TO THE FLORIDA MARINE PATROL AT 1-800-DIAL-FMP (1-800-342-5367). THE U.S. FISH AND WILDLIFE SERVICE SHOULD ALSO BE CONTACTED IN VERO BEACH (1-407-562-3909)."

15. UPON SUBMITTAL OF AN APPLICATION FOR CONSTRUCTION APPROVAL FOR FUTURE PHASES, THE PERMITTEE SHALL SUBMIT DRAFT COPIES OF PRELIMINARY PLAT(S), DEED RESTRICTIONS, CONSERVATION EASEMENTS OR OTHER DOCUMENTATION WHICH DEDICATES THE WETLAND PRESERVATION/MITIGATION AREAS, UPLAND BUFFER ZONES, AND/OR UPLAND PRESERVATION AREAS AS CONSERVATION AND COMMON AREAS. RESTRICTIONS FOR THE USE OF THE CONSERVATION/Common AREAS SHALL STIPULATE:

THE WETLAND PRESERVATION/MITIGATION AREAS, UPLAND BUFFER ZONES, AND/OR UPLAND PRESERVATION AREAS ARE HEREBY DEDICATED AS CONSERVATION AND COMMON AREAS. THE CONSERVATION/Common AREAS SHALL BE THE PERPETUAL RESPONSIBILITY OF PERMITTEE AND MAY IN NO WAY BE ALTERED FROM THEIR NATURAL STATE AS DOCUMENTED IN THE PERMIT FILE, WITH THE EXCEPTION OF PERMITTED RESTORATION ACTIVITIES. ACTIVITIES PROHIBITED WITHIN THE CONSERVATION AREAS INCLUDE,

BUT ARE NOT LIMITED TO: CONSTRUCTION OR PLACING SOIL OR OTHER SUBSTANCES SUCH AS TRASH; REMOVAL OR DESTRUCTION OF TREES, SHRUBS, OR OTHER VEGETATION - WITH THE EXCEPTION OF EXOTIC/NUISANCE VEGETATION REMOVAL; EXCAVATION, DREDGING, OR REMOVAL OF SOIL MATERIAL; DIKING OR FENCING; AND ANY OTHER ACTIVITIES DETRIMENTAL TO DRAINAGE, FLOOD CONTROL, WATER CONSERVATION, EROSION CONTROL, OR FISH AND WILDLIFE HABITAT CONSERVATION OR PRESERVATION.

RECORDED COPIES OF PLATS, DEED RESTRICTIONS, CONSERVATION EASEMENTS OR OTHER APPROVED DOCUMENTATION SHALL BE SUBMITTED, CONCURRENT WITH ENGINEERING CERTIFICATION OF CONSTRUCTION COMPLETION.

16. IF DISTRICT STAFF DETERMINES FROM FIELD INSPECTION OR FROM ADDITIONAL INFORMATION PROVIDED BY THE APPLICANT THAT ADDITIONAL SEAGRASS OR MARINE ALGAE IMPACTS HAVE OCCURRED, THEN THE PERMITTEE SHALL PROVIDE A MITIGATION PLAN ACCEPTABLE TO THE DISTRICT WITHIN THIRTY (30) DAYS OF NOTIFICATION FROM THE DISTRICT.
17. IMMEDIATELY PRIOR TO CONSTRUCTION OF THE FISHING PIER AND BOAT DOCK, THE PERMITTEE SHALL FIELD LOCATE AND MARK THE EXACT LOCATION OF THE PIER AND DOCK. DISTRICT STAFF SHALL BE NOTIFIED TO VERIFY THE PROPOSED PIER AND DOCK FOOTPRINT TO AVOID AND MINIMIZE IMPACTS TO SEAGRASSES AND MARINE ALGAE.
18. WITHIN 30 DAYS OF COMPLETION OF CONSTRUCTION OF THE FISHING PIER AND BOAT DOCK, THE PERMITTEE SHALL SUBMIT A SEAGRASS SURVEY OF THE AREA IMMEDIATELY ADJACENT TO THE FISHING PIER AND BOAT DOCK (SIMILAR TO PRE-CONSTRUCTION SEAGRASS SURVEY-EXHIBIT 21).



Department of Environmental Protection

orig to PD
CF: DP (mury)

Lawton Chiles
Governor

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Virginia B. Wetherell
Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

January 12, 1998

U. S. Army Corps of Engineers
c/o Mr. Richard E. Bonner, P.E.
Jacksonville District
Post Office Box 4970
Jacksonville, Florida 32232-0019

Permit No. 502141369, Palm Beach County
U. S. Army Corps of Engineers, Jacksonville District
Port of Palm Beach Entrance Channel Maintenance Dredging

Dear Mr. Bonner:

- Your request to modify this permit has been received and reviewed by Department staff. The proposed modifications are to allow placement of non-beach quality dredged material in the Port
1. of Palm Beach upland disposal area located at the southern end of Peanut Island; to revise the
 2. construction profile of the beach disposal site to allow placement of sand above MHW; and to
 3. allow overflow from hopper barges when beach quality sand is dredged within the turning basin or channels west of the inlet.

Use of the Peanut Island disposal site is requested to provide an alternative to the Ocean Dredged Material Disposal Site (ODMDS) when use of the ODMDS is either prohibited or deemed not feasible for the quantity/quality of material dredged from the project area. The island site has historically been utilized for disposal by the Corps. The Port is currently authorized to utilize this site pursuant to Permits Nos. 501733439 and 501964059. Best management practices, including use of the authorized pipeline corridor for the dredge discharge pipe, shall be implemented during all disposal operations to minimize impacts to seagrass beds near the island.

Beach disposal site capacity shall be increased by raising the proposed construction berm height from +2.87 ft. MLW (equivalent to the MHW elevation) to +8.66 ft. MLW. Beach template width will be established a fixed distance from the Department's DNR reference monument baseline. This modification will allow additional beach quality material to be placed landward of MHW, thereby increasing turtle nesting habitat and the sand budget for southerly littoral drift. The new equilibrium toe-of-fill, which is not expected to exceed -15 ft. MLW, may temporarily increase coverage of the nearshore patchy rock outcroppings located between DNR monuments

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U. S. Army Corps of Engineers, Jacksonville District
Port of Palm Beach Entrance Channel Maintenance Dredging
Permit No. 502141369
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R-78 and R-79. However, beach disposal activities should not impact the continuous hardbottom/reef areas located further offshore. Permit marine turtle protection conditions have been modified to include additional post-construction monitoring to insure that sand placement above MHW will not interfere with turtle nesting in subsequent years. The Town of Palm Beach shall be responsible for post-construction monitoring, pursuant to Permits Nos. 502739539 and DBS9A0352 PB, when sand is placed at the alternate Mid-Town Beach Restoration Project site (approved by Permit No. 502141369 modification on November 13, 1996).

The attached Peanut Island disposal site drawing shall be added to the permit and the new beach template and typical beach fill cross-sectional drawings shall replace Permit Drawing No. 7 of 7 (previously modified on May 9, 1996).

The Project Description is amended as follows:

To maintenance dredge the Port of Palm Beach entrance channel and associated settling basin, inner channel (Cuts 1 and 2), the turning basin, and the extended turning basin by: excavating the entrance channel to -35 ft. MLW plus 2 ft. advanced maintenance and 2 ft. allowable overdepth, the settling basin to -35 ft. MLW, the inner channel and turning basin to -33 ft. MLW plus 2 ft. advanced maintenance and 2 ft. allowable overdepth, and the extended turning basin to -25 ft. MLW plus 2 ft. advanced maintenance, and disposing of all beach quality material in a beach disposal area which begins immediately south of the inlet's south jetty and extends 3000 ft. south of that jetty or at the alternate Mid-Town Beach Restoration Project site and disposing of the non-beach quality material in an offshore disposal site or the Peanut Island disposal site.

The following Specific Conditions are amended to reflect the currently requested project modifications and to clarify, combine, and correct previous modifications of this permit:

4. Best management practices shall be used at all times during construction to minimize turbidity at ~~both~~ the dredge, island disposal, and fill sites. At the beach fill site, these practices shall include constructing dikes parallel to the shore and landward of mean high water and discharging the fill material landward of these dikes. When pumping into the Peanut Island disposal site, pumping rates shall be controlled such that the site discharge does not violate State water quality standards at a distance of more than 100 meters downcurrent from the outfall. ~~These~~ All dikes shall be constructed and maintained in a manner that minimizes the discharge of turbid waters into waters of the State.

Notice of Permit Modification

U. S. Army Corps of Engineers, Jacksonville District

Port of Palm Beach Entrance Channel Maintenance Dredging

Permit No. 502141369

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8. The permittee shall undertake all practicable measures to protect natural resources in the project area from mechanical damage during dredging and disposal operations. This shall include but not be limited to the following: 1) dredges shall be anchored only within the bottom of the channel, settling basin, and turning basins; ~~and~~; 2) pipe and other dredging related equipment shall not be stored/stockpiled on or over seagrass beds or on or over hardbottom nor shall such equipment be stored/stockpiled in areas where it may drift into, onto, or over such natural resources; ~~and~~; 3) the pipeline corridor authorized pursuant to Permits Nos. 501733439 and 501964059 shall be utilized for disposal on Peanut Island. This corridor may be modified as necessary, upon approval by the DEP Southeast District Office, to minimize seagrass impacts. The Department may require the permittee to take corrective measures to restore any habitat damaged as a result of any phase of dredging or disposal operations.

9. To minimize impacts to the turbidity sensitive resources which surround the channels and turning basins, only a hydraulic (suction) dredge shall be used for all dredging conducted under this permit. If a hopper dredge is used and if the sediment is determined to be unsuitable for beach placement pursuant to Specific Conditions Nos. 5 and 6, no overflow from the dredge shall occur during dredging of material in the turning basin or in the channels west of the neck of the inlet itself. Overflow may only occur when the dredged material is determined to be beach quality or the dredge is within the confines of the inlet itself or in the Atlantic Ocean. No overflow shall occur while material is being transported from the dredging area to the disposal area. The permittee shall be responsible for maintenance of the dredge pipeline to insure that it does not leak. If a problem is discovered, the dredging operation shall cease immediately and not resume until repairs are completed.

12. f. ~~During the first year following placement of material,~~ Sand compaction monitoring shall be performed immediately following placement of material and again prior to March 1 for three subsequent years. If compaction measurements exceed 500 cone penetrometer units (CPU) as determined by monitoring, the beaches shall be plowed (tilled) to a depth of 36 inches. All tilling activity must be completed prior to March 1. If the project is completed during nesting season, tilling shall not be performed in areas where nests have been left in place or areas which have received relocated nests.

g. Visual surveys for escarpments along the project area shall be ~~made each year in February only if material has been deposited in the last six months~~ immediately after completion of the project and in February for three subsequent years. Results of the surveys shall be submitted to the Department by February 5. If necessary, escarpments which interfere with marine turtle nesting or which exceed

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leveled to the natural beach contour to ensure that no escarpments are present on March 1. If the project is completed during the nesting season, such escarpments shall be leveled immediately, while protecting both nests which have been left *in situ* and any relocated nests.

- h. Reports on all nesting activity, marine turtle protection measures taken during construction, and nest success shall be provided for the initial nesting season following placement of material on the beach, and for a minimum of two additional nesting seasons. Monitoring of nesting activity shall include but not be limited to daily surveys enumerating nesting activity and evaluating hatching success in a statistically valid sample of *in situ* nests. All reports shall include hatching success of all relocated nests. Subsequent placement of material (after the initial event) will require similar monitoring unless written authorization to modify monitoring is provided by the Department of Natural Resources Environmental Protection. All marine turtle monitoring reports shall be submitted no later than 30 days after completion of all monitoring activities to the DNR DEP, 3900 Commonwealth Blvd., MS-245, Tallahassee, Florida 32399-3000.

13. The following conditions are included to protect manatees during dredging....(unchanged)

14. ~~Disposal may occur one time only in a near shore disposal area between the 24-foot MLW contour and 100 feet west of 28-foot MLW contour at the location shown on the attached permit drawing....(deleted and replaced by the following:)~~

The volume of dredged material placed at the alternate disposal site shall be limited to the amount which can be placed within the authorized berm elevation and seaward slope of the construction fill template approved for the Mid-Town Beach Restoration Project by Permit No. 50-2739539.

15. ~~Disposal of beach quality material at both nearshore sites shall begin at the southern limits and progress northward. Only material with less than 10% silt shall be placed in either site. (deleted and replaced by the following:)~~

Before any dredging equipment is brought to the alternate beach disposal area, the permittee shall mark the ends of the Sea Spray Avenue pipeline corridor with buoys to clearly identify its location.

16. ~~The following conditions are included to protect marine turtles during disposal at the site in 24 to 28 foot deep water....(deleted, one time only event)~~

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U. S. Army Corps of Engineers, Jacksonville District
Port of Palm Beach Entrance Channel Maintenance Dredging
Permit No. 502141369
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The Monitoring Required section of the permit is amended as follows:

MONITORING REQUIRED:

1- Turbidity, NTUs

A. At the dredge site:

Compliance: 150 m. downcurrent of the point of dredging, within the densest portion of any visible turbidity plume, at surface, mid-depth, and 1 ft. above bottom.

Background: At least 300 m. upcurrent of the point of dredging, outside any visible turbidity plume and any influence of this project, at surface, mid-depth, and 1 ft. above bottom.

B. At the beach disposal site:

Compliance: 150 m. downcurrent of the discharge point, within the densest portion of any visible turbidity plume, at surface and mid-depth. If no plume is visible, samples shall be collected 150 m. downcurrent of the discharge point and 50 m. offshore.

Background: At least 300 m. upcurrent of the discharge point or at least 800 m. downcurrent of the discharge point, outside of any visible turbidity plume and any influence of this project at the same distance offshore as the compliance point.

C. ~~At the nearshore disposal sites:(deleted and replaced by the following:)~~
At the Peanut Island disposal site:

Compliance: 100 m. downcurrent of the discharge point, within the densest portion of any visible turbidity plume, at surface, mid-depth, and 1 ft. above bottom.

Background: At least 300 m. upcurrent of the discharge point, outside of any visible turbidity plume and any influence of this project, at surface, mid-depth, and 1 ft. above bottom.

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Frequency: Once daily after dredging or disposal site discharge has been continual for at least 1 hour.

The compliance locations given above shall be considered the limits of the temporary mixing zone for turbidity allowed during construction. If monitoring reveals turbidity levels at the compliance site 29 NTUs above the turbidity levels at the corresponding background site, construction activities shall cease immediately and not resume until corrective measures have been taken and turbidity has returned to acceptable levels. Any such occurrence shall also be immediately reported to the Department of Environmental ~~Regulation~~ Protection, Bureau of ~~Wetland Resource Management~~ Beaches and Coastal Systems in Tallahassee and the Southeast District office in West Palm Beach.

Monitoring reports shall be submitted to the Bureau of ~~Wetland Resource Management~~ Beaches and Coastal Systems in Tallahassee and to the Department of Environmental ~~Regulation~~ Protection, Southeast District office as specified in Specific Condition No. 7 of this permit. Failure to submit reports in a timely manner constitutes grounds for revocation of the permit.

Since the proposed modifications and permit condition corrections are not expected to result in any adverse environmental impact or water quality degradation, the permit is hereby modified and additional activities are authorized as requested. By copy of this letter and the attached drawings, we are notifying all necessary parties of the modifications.

This letter of approval does not alter the May 24, 2003 expiration date or other Specific Conditions, General Conditions, or monitoring requirements of the permit. This letter and the accompanying drawings must be attached to the original permit.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) in accordance with Sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Petitions filed by the permittee and the parties listed below must be filed within 14 days of receipt of this letter. Petitioner shall mail a copy of the petition to the permittee at the address indicated above at the time of filing. Failure to file a petition (or a request for mediation, as discussed below) within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

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The Petition shall contain the following information:

- (a) The name, address, and telephone number of each petitioner, the permittee's name and address, the Department Permit File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department's action; or proposed action;
- (d) A statement of the material facts disputed by petitioner, if any;
- (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and
- (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this letter. Persons whose substantial interests will be affected by any decision of the Department with regard to the permit have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Any person may elect to pursue mediation by reaching a mediation agreement with all parties to the proceeding (which include the applicant, the Department, and any person who has filed a timely and sufficient petition for a hearing) and by showing how the substantial interests of each mediating party are affected by the Department's action or proposed action. The agreement must be filed in (received by) the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, by the same deadline as set forth above for the filing of a petition.

The agreement to mediate must include the following:

- (a) The names, addresses, and telephone numbers of any persons who may attend the mediation;
- (b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time;

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- (c) The agreed allocation of the costs and fees associated with the mediation;
- (d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation;
- (e) The date, time and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen;
- (f) The name of each party's representative who shall have authority to settle or recommend settlement;
- (g) Either an explanation of how the substantial interests of each mediating party will be affected by the action or proposed action addressed in this notice of intent or a statement clearly identifying the petition for hearing that each party has already filed, and incorporating it by reference; and
- (h) The signatures of all parties or their authorized representatives.

As provided in Section 120.573, F.S., the timely agreement of all parties to mediate will toll the time limitation imposed by Sections 120.569 and 120.57, F.S., for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within 60 days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such a modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above, and must therefore file their petitions within 14 days of receipt of this letter. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57, F.S., remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

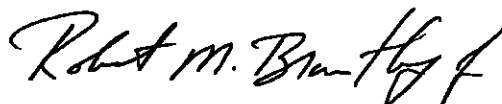
This Notice constitutes final agency action unless a petition is filed or all parties reach a written agreement on mediation in accordance with the above paragraphs, or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition and conforms to Rule 62-103.070, F.A.C. Upon timely filing of a petition, written agreement on mediation, or a request for an extension of time, this Notice will not be effective until further Order of the Department.

Any party to this letter has the right to seek judicial review of the Order pursuant to Section 120.68, F.S., by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a

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copy with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date the Notice of Permit Modification is filed with the Clerk of the Department.

Sincerely,



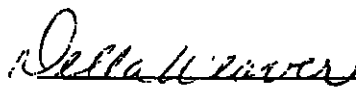
Robert M. Brantly, Jr., P.E.
Professional Engineering Administrator
Bureau of Beaches and Coastal Systems

RMB/lm

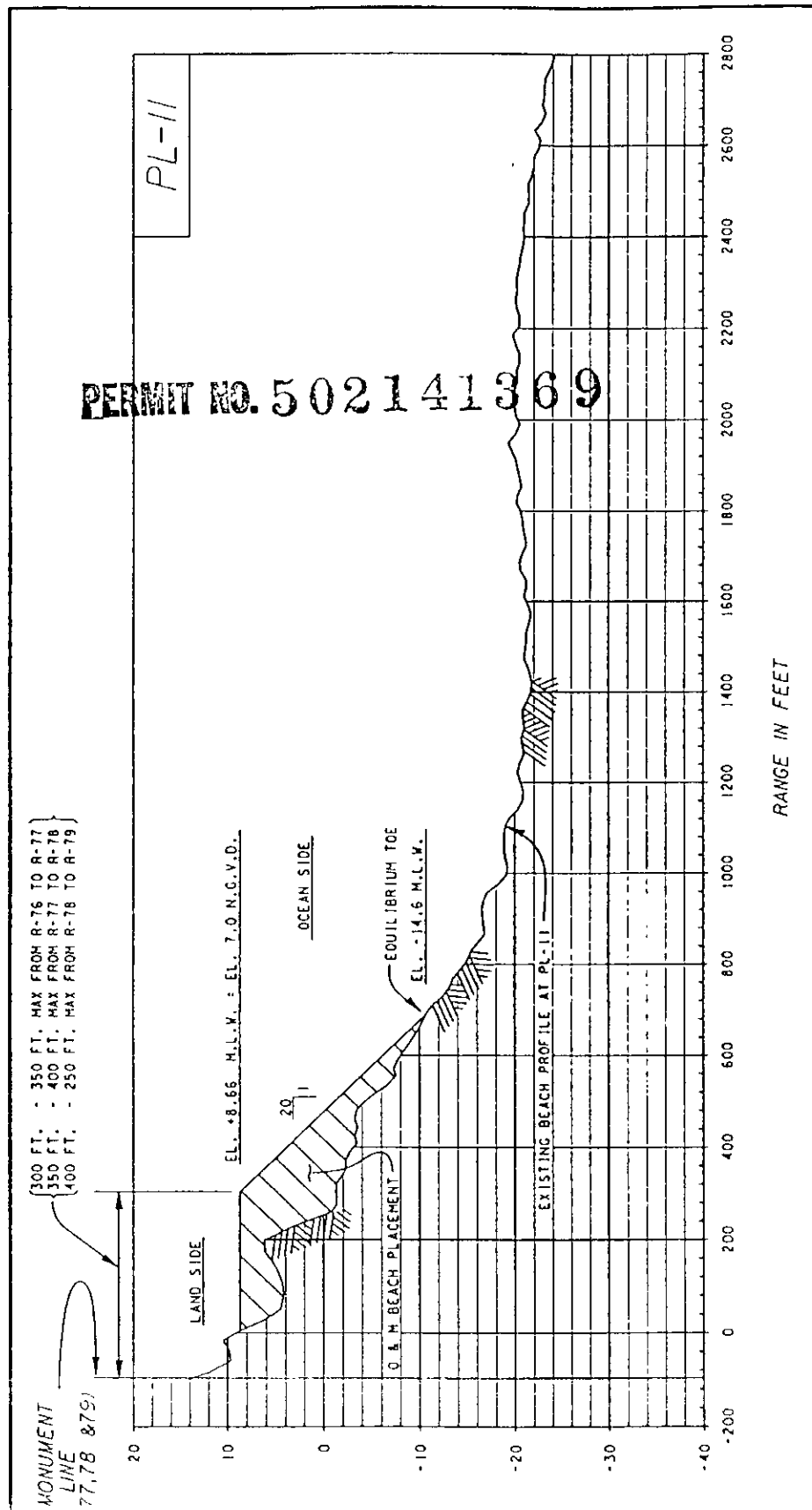
cc: Larry O'Donnell, DEP, Southeast District
Peter Cocotos, DEP, OGC
David Arnold, DEP, BPSM
Florida Marine Patrol
Jim Riley, USACOE, Jacksonville
Glenn Schuster, USACOE, Jacksonville
Robert J. Doney, Town of Palm Beach
Richard E. Walesky, Palm Beach County DERM
Jim Moore, Gee & Jenson E-A-P, Inc.
Patrick Rose, Save the Manatee Club
Dr. Sanford F. Kuvin
Jim Koontz
Dick P. Bresee

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

 11/12/98
Deputy Clerk Date

TYPICAL BEACH FILL CROSS SECTION



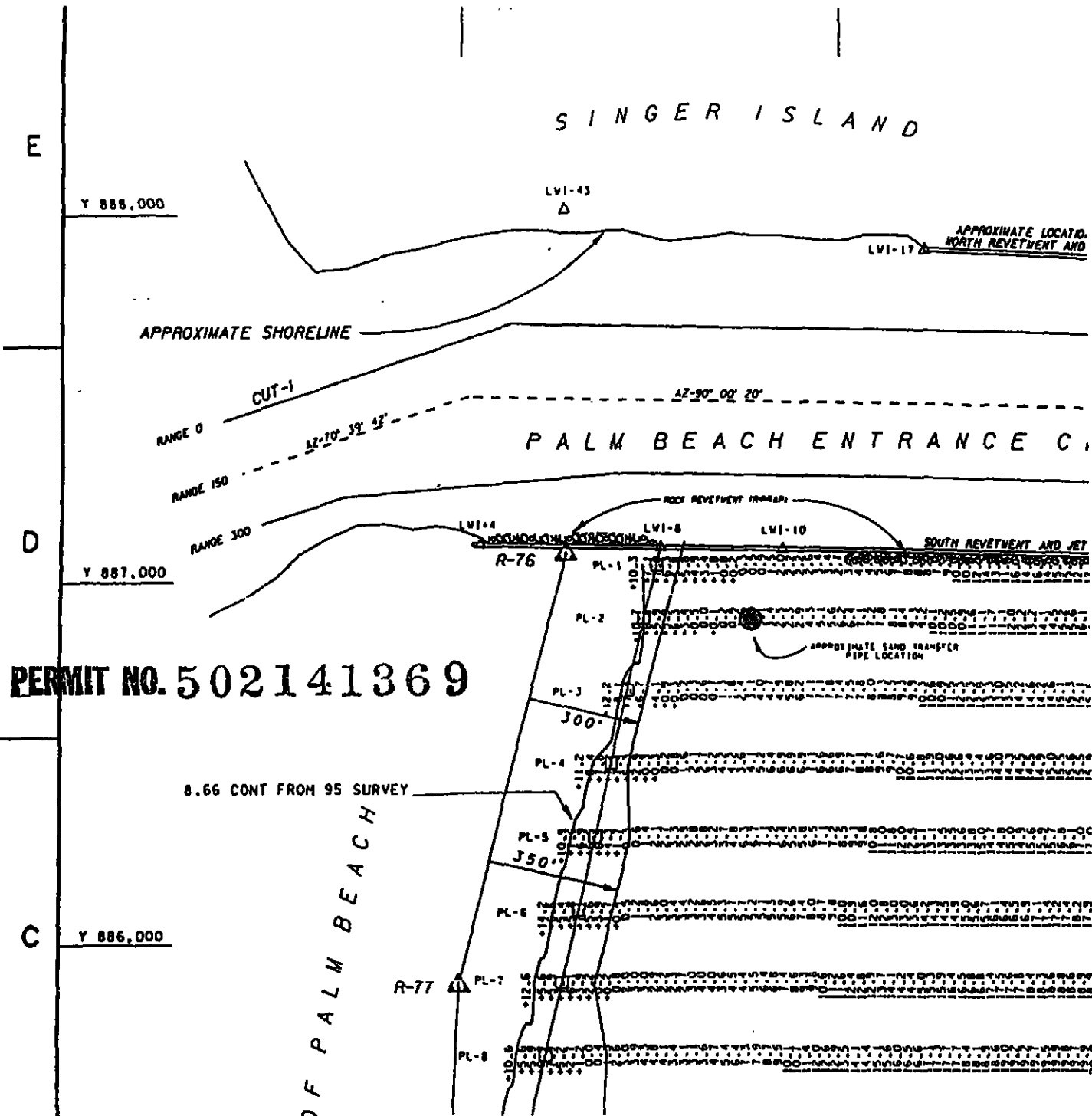
PALM BEACH HARBOR

RECEIVED

AUG 19 1997

BUREAU OF BEACH & COASTAL SYSTEMS

NEW BEACH TEMPLATE (TOP OF BERM)



2 March 2000

Regulatory Division
Enforcement Branch
199603357
MODIFICATION

Palm Beach County
c/o Gee & Jenson, Inc.
Attn: J. B. Frost
One Harvard Circle
West Palm Beach, Florida 33409

Dear Mr. Frost:

Reference is made to your request to modify Department of the Army permit number 199603357(IP-IP), on behalf of Palm Beach County. The proposed modification is to fill 0.03 acres of red mangrove wetlands located on the access road on Peanut Island. The project is located on the southern western portion of Peanut Island, on Lake Worth, Section 34, Township 42 South, Range 43 East, Palm Beach County, Florida.

The purpose of this modification is to allow construction of an access road that will connect the staging area to the Island's perimeter road. The access road was previously noted on the original permit, but recent field investigation discovered additional wetlands that would be impacted by this work. The access road is to provide materials for a proposed restoration project that will occur on Peanut Island. As mitigation for the wetland impact, Palm Beach County is proposing to enhance 0.04 acres of an adjacent wetland by removing exotic plants and planting 145 red mangrove trees. All other aspects of the permit will remain the same.

The impact of the proposed work on navigation and the environment have been evaluated and found to be insignificant. The permit is hereby modified as noted above including the addition of the following special condition:

The permittee agrees to compensate for this wetland impact by enhancing 0.04 acres of wetlands as depicted in the attached

permit drawing. This wetland enhancement will occur within the first 6-months upon commencement of construction and will require removal of all exotics and planting 145 red mangroves seedlings at 3-foot o.c. The permittee agrees to submit a baseline report with photos within 30 days of planting and an annual report for three years. All reports will be submitted to the U.S. Army Corps of Engineers, Enforcement Branch, P.O. Box 4970, Jacksonville, FL 32232. The mitigation will be considered successful if after two years 90 percent of the planted seedlings indicate normal growth and no exotics are present.

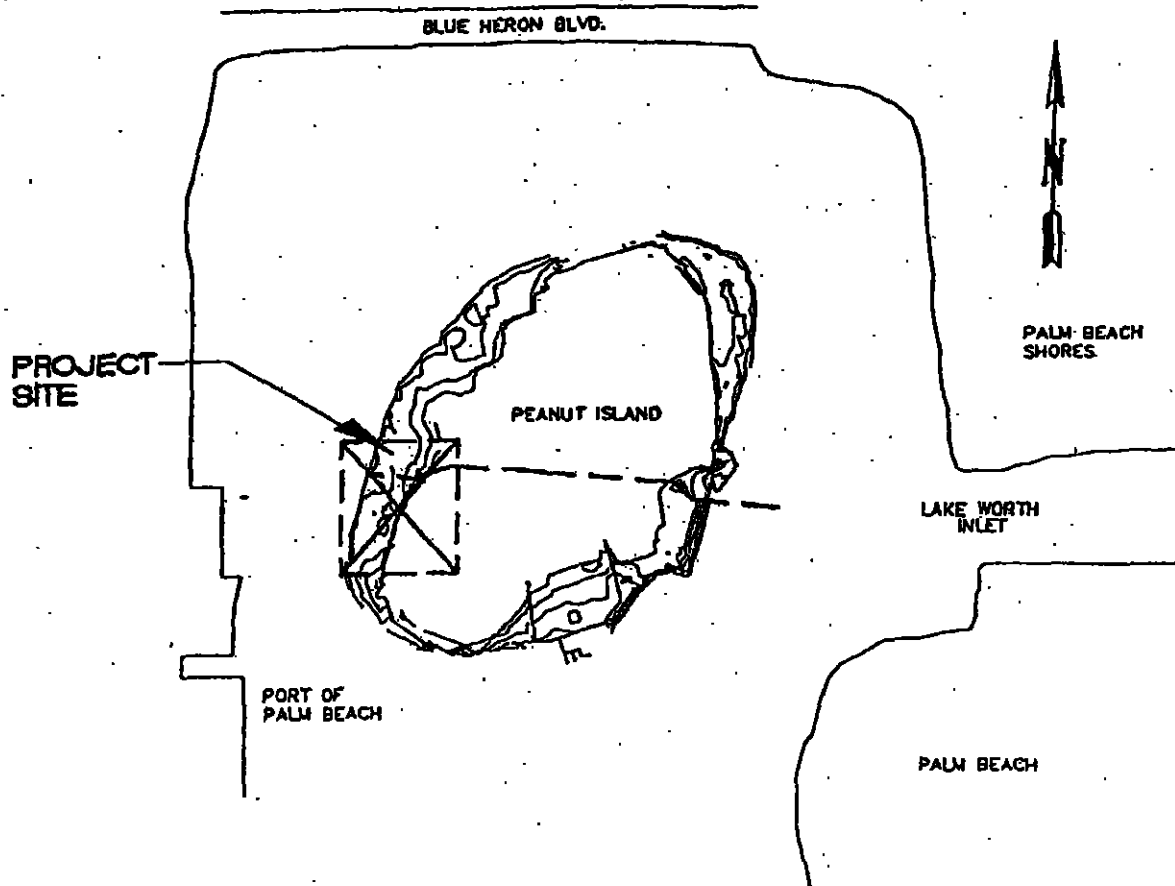
All other conditions and limitations of the permit remain in effect. You should attach this letter to the original permit. Thank you for your cooperation with our permit program.

BY THE AUTHORITY OF THE SECRETARY OF THE ARMY:

62 3/2
Joe R. Miller
Colonel, U.S. Army
District Engineer

Enclosure

000113



LOCATION MAP

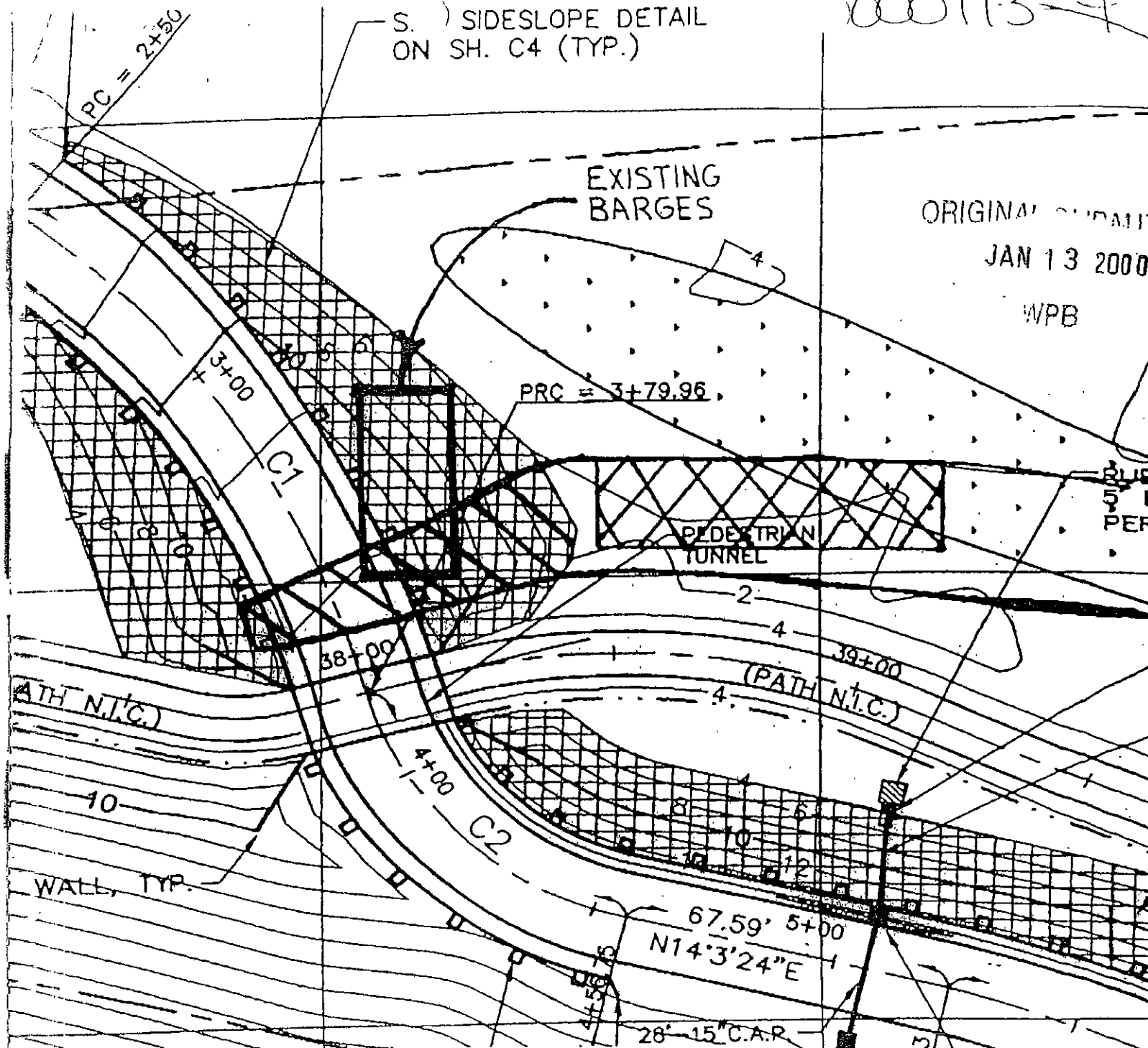
ORIGINAL SUBMITTAL

JAN 13 2000

0000113-4

S. SIDESLOPE DETAIL
ON SH. C4 (TYP.)

ORIGINAL DATE
JAN 13 2000
WPB



IMPACTED AREA
(0.03 Ac.)



REMEDIAL AREA (REMOVAL OF EXOTIC SPECIES
& PLANTING OF RED MANGROVES)
(0.04 Ac.)

INLET C2
TYPE "CG"
STA 5+08
RIM EL 14.1
INLET TO 2

PROPOSED TYP
"F" CURB & CI
SEE DETAIL SH

PLANT SPECS. 178

TYPE	AREA	SPACING	QUANTITY
RED MANGROVE	0.04 AC.	3' O.C.	145



FORM 00157
Rev 08/95

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE**

PERMIT MODIFICATION NO. 50-03713-P

DATE ISSUED: OCTOBER 12, 2000

PERMITTEE: FLORIDA INLAND NAVIGATION DISTRICT
(PEANUT ISLAND ENVIRONMENTAL RESTORATION (PH II))
1314 MARCINSKI ROAD,
JUPITER, FL 33477

PORT OF PALM BEACH
(PEANUT ISLAND ENVIRONMENTAL RESTORATION (PH II))
PO BOX 993,
RIVIERA BEACH, FL 33419

ORIGINAL PERMIT ISSUED: SEPTEMBER 12, 1996

ORIGINAL PROJECT DESCRIPTION: AUTHORIZATION FOR THE CONSTRUCTION/OPERATION OF A SWM SYSTEM TO SERVE AN 80.4 ACRE RECREATIONAL PROJECT TO BE KNOWN AS PEANUT ISLAND PARK WITH TOTAL ON-SITE RETENTION.

APPROVED MODIFICATION : AUTHORIZATION FOR THE CONSTRUCTION/OPERATION OF A SWM SYSTEM TO SERVE AN 8.8 ACRE RECREATIONAL PROJECT TO BE KNOWN AS PEANUT ISLAND PARK WITH TOTAL ON-SITE RETENTION AND AUTHORIZATION FOR WORK IN STATE-OWNED SOVEREIGN SUBMERGED LANDS IN THE FORM OF A PUBLIC EASEMENT FOR THE CONSTRUCTION OF AN ACCESS CHANNEL.

PROJECT LOCATION: PALM BEACH COUNTY, SECTION 34 TWP 42S RGE 43E

PERMIT DURATION: Five years from the date issued to complete construction of the surface water management system as authorized herein. See attached Rule 40E-4.321, Florida Administrative Code.

This Permit Modification is approved pursuant to Application No. 000324-9, dated March 20, 2000. Permittee agrees to hold and save the South Florida Water Management District and its successors harmless from any and all damages, claims or liabilities which may arise by reason of the construction, operation, maintenance or use of any activities authorized by this Permit. This Permit is issued under the provisions of Chapter 373, Part IV Florida Statutes(F.S.), and the Operating Agreement Concerning Regulation Under Part IV, Chapter 373 F.S. between South Florida Water Management District and the Department of Environmental Protection. Issuance of this Permit constitutes certification of compliance with state water quality standards where necessary pursuant to Section 401, Public Law 92-500, 33 USC Section 1341, unless this Permit is issued pursuant to the net improvement provisions of Subsections 373.414(1)(b), F.S., or as otherwise stated herein.

This Permit Modification may be revoked, suspended, or modified at any time pursuant to the appropriate provisions of Chapter 373, F.S., and Sections 40E-4.351(1), (2), and (4), Florida Administrative Code (F.A.C.). This Permit Modification may be transferred pursuant to the appropriate provisions of Chapter 373, F.S., and Sections 40E-1.6107(1) and (2), and 40E-4.351(1), (2), and (4), F.A.C.

All specifications and special and limiting/general conditions attendant to the original Permit, unless specifically rescinded by this or previous modifications, remain in effect.

This Permit Modification shall be subject to the General Conditions set forth in Rule 40E-4.381, F.A.C., unless waived or modified by the Governing Board. The Application, and Environmental Resource Permit Staff Review Summary of the Application, including all conditions, and all plans and specifications incorporated by reference, are a part of this Permit Modification. All activities authorized by this Permit Modification shall be implemented as set forth in the plans, specifications, and performance criteria as set forth and incorporated in the Environmental Resource Permit Staff Review Summary. Within 30 days after completion of construction of the permitting activity, the Permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual, pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-4.361 and 40E-4.381, F.A.C.

In the event the property is sold or otherwise conveyed, the Permittee will remain liable for compliance with this Permit until transfer is approved by the District pursuant to Rule 40E-1.6107, F.A.C.

SPECIAL AND GENERAL CONDITIONS ARE AS FOLLOWS:

SEE PAGES 2 - 6 OF 9 (31 SPECIAL CONDITIONS).

SEE PAGES 7 - 9 OF 9 (19 GENERAL CONDITIONS).

PERMIT MODIFICATION APPROVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT

FILED WITH THE CLERK OF THE
SOUTH FLORIDA WATER MANAGEMENT DISTRICT

ON 18-Oct-2000
BY Jennifer Krumlauf
DEPUTY CLERK

BY [Signature]
ASSISTANT SECRETARY

PAGE 1 OF 9

SPECIAL CONDITIONS

1. MINIMUM BUILDING FLOOR ELEVATION: 9 FEET NGVD.
2. DISCHARGE FACILITIES: TOTAL ON-SITE RETENTION.
3. THE PERMITTEE SHALL BE RESPONSIBLE FOR THE CORRECTION OF ANY EROSION, SHOALING OR WATER QUALITY PROBLEMS THAT RESULT FROM THE CONSTRUCTION OR OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM.
4. MEASURES SHALL BE TAKEN DURING CONSTRUCTION TO INSURE THAT SEDIMENTATION AND/OR TURBIDITY PROBLEMS ARE NOT CREATED IN THE RECEIVING WATER.
5. THE DISTRICT RESERVES THE RIGHT TO REQUIRE THAT ADDITIONAL WATER QUALITY TREATMENT METHODS BE INCORPORATED INTO THE DRAINAGE SYSTEM IF SUCH MEASURES ARE SHOWN TO BE NECESSARY.
6. FACILITIES OTHER THAN THOSE STATED HEREIN SHALL NOT BE CONSTRUCTED WITHOUT AN APPROVED MODIFICATION OF THIS PERMIT.
7. ALL SPECIAL CONDITIONS PREVIOUSLY STIPULATED BY PERMIT NUMBER 50-03713-P REMAIN IN EFFECT UNLESS OTHERWISE REVISED AND SHALL APPLY TO THIS MODIFICATION.
8. OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM SHALL BE THE RESPONSIBILITY OF PALM BEACH COUNTY PARKS AND RECREATION DEPARTMENT.
9. THE SFWMD RESERVES THE RIGHT TO REQUIRE REMEDIAL MEASURES TO BE TAKEN BY THE PERMITTEE IF WETLAND AND/OR UPLAND MONITORING OR OTHER INFORMATION DEMONSTRATES THAT ADVERSE IMPACTS TO PROTECTED, CONSERVED, INCORPORATED OR MITIGATED WETLANDS OR UPLANDS HAVE OCCURRED DUE TO PROJECT RELATED ACTIVITIES.
10. ACTIVITIES ASSOCIATED WITH IMPLEMENTATION OF THE WETLAND MITIGATION, MONITORING AND MAINTENANCE SHALL BE IN ACCORDANCE WITH THE FOLLOWING WORK SCHEDULE. ANY DEVIATION FROM THESE TIME FRAMES SHALL REQUIRE FORMAL SFWMD APPROVAL. SUCH REQUESTS MUST BE MADE IN WRITING AND SHALL INCLUDE (1) REASON FOR THE MODIFICATION; (2) PROPOSED START/FINISH DATES; AND (3) PROGRESS REPORT ON THE STATUS OF THE EXISTING MITIGATION EFFORTS.

COMPLETION DATE	ACTIVITY
JANUARY 1, 2002	BASELINE MONITORING REPORT
JUNE 1, 2002	EXOTIC VEGETATION REMOVAL AND CREATION OF MANGROVE FLUSHING CHANNELS
JULY 1, 2002	TIME ZERO MONITORING REPORT
JULY 1, 2003	FIRST MONITORING REPORT
JULY 1, 2004	SECOND MONITORING REPORT
JULY 1, 2005	THIRD MONITORING REPORT
JULY 1, 2006	FOURTH MONITORING REPORT
JULY 1, 2007	FIFTH MONITORING REPORT

11. ENDANGERED SPECIES, THREATENED SPECIES, OR SPECIES OF SPECIAL CONCERN HAVE BEEN OBSERVED ONSITE AND/OR THE PROJECT CONTAINS SUITABLE HABITAT FOR THESE SPECIES. IT SHALL BE THE PERMITTEE'S RESPONSIBILITY TO COORDINATE WITH THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION AND/OR U.S. FISH AND WILDLIFE SERVICE FOR APPROPRIATE GUIDANCE, RECOMMENDATIONS, AND/OR NECESSARY PERMITS TO AVOID IMPACTS TO LISTED SPECIES.
12. THE PERMITTEE SHALL COMPLY WITH THE FOLLOWING MANATEE PROTECTION CONSTRUCTION

CONDITIONS:

A) THE PERMITTEE SHALL INSTRUCT ALL PERSONNEL ASSOCIATED WITH THE PROJECT OF THE POTENTIAL PRESENCE OF MANATEES AND THE NEED TO AVOID COLLISION WITH MANATEES. ALL CONSTRUCTION PERSONNEL ARE RESPONSIBLE FOR OBSERVING WATER-RELATED ACTIVITIES FOR THE PRESENCE OF MANATEE(S).

B) THE PERMITTEE SHALL ADVISE ALL CONSTRUCTION PERSONNEL THAT THERE ARE CIVIL AND CRIMINAL PENALTIES FOR HARMING, HARASSING, OR KILLING MANATEES WHICH ARE PROTECTED UNDER THE MARINE MAMMAL PROTECTION ACT OF 1972, THE ENDANGERED SPECIES ACT OF 1973, AND THE FLORIDA MANATEE SANCTUARY ACT.

C) SILTATION BARRIERS SHALL BE MADE OF MATERIAL IN WHICH MANATEES CANNOT BECOME ENTANGLED, ARE PROPERLY SECURED, AND ARE REGULARLY MONITORED TO AVOID MANATEE ENTRAPMENT. BARRIERS MUST NOT BLOCK MANATEE ENTRY TO OR EXIT FROM ESSENTIAL HABITAT.

D) ALL VESSELS ASSOCIATED WITH THE CONSTRUCTION PROJECT SHALL OPERATE AT "NO WAKE/IDLE" SPEEDS AT ALL TIMES WHILE IN THE CONSTRUCTION AREA AND WHILE IN WATER WHERE THE DRAFT OF THE VESSEL PROVIDES LESS THAN FOUR-FEET CLEARANCE FROM THE BOTTOM. ALL VESSELS WILL FOLLOW ROUTES OF DEEP WATER WHENEVER POSSIBLE.

E) IF MANATEES OR SEA TURTLES ARE SEEN WITHIN 100 YARDS OF THE ACTIVE DAILY CONSTRUCTION/DREDGING OPERATION OR VESSEL MOVEMENT, ALL APPROPRIATE PRECAUTIONS SHALL BE IMPLEMENTED TO ENSURE PROTECTION OF THE MANATEE OR SEA TURTLE. THESE PRECAUTIONS SHALL INCLUDE THE OPERATION OF ALL MOVING EQUIPMENT NO CLOSER THAN 50 FEET OF A MANATEE OR SEA TURTLE. OPERATION OF ANY EQUIPMENT CLOSER THAN 50 FEET TO A MANATEE OR SEA TURTLE SHALL NECESSITATE IMMEDIATE SHUTDOWN OF THAT EQUIPMENT. ACTIVITIES WILL NOT RESUME UNTIL THE MANATEE OR SEA TURTLE HAS DEPARTED THE PROJECT AREA OF ITS OWN VOLITION.

F) ANY COLLISION WITH AND/OR INJURY TO A MANATEE SHALL BE REPORTED IMMEDIATELY TO THE FLORIDA MARINE PATROL AT 1-800-DIAL-FMP (1-800-342 5367). COLLISION AND/OR INJURY SHOULD ALSO BE REPORTED TO THE U.S. FISH AND WILDLIFE SERVICE IN VERO BEACH (1-407-562-3909).

G) TEMPORARY SIGNS CONCERNING MANATEES SHALL BE POSTED PRIOR TO AND DURING ALL CONSTRUCTION/DREDGING ACTIVITIES. ALL SIGNS ARE TO BE REMOVED BY THE PERMITTEE UPON COMPLETION OF THE PROJECT. A SIGN MEASURING AT LEAST THREE (3) FEET BY FOUR (4) FEET WHICH READS "CAUTION: MANATEE AREA" WILL BE POSTED IN A LOCATION PROMINENTLY VISIBLE TO WATER RELATED CONSTRUCTION CREWS. A SECOND SIGN SHOULD BE POSTED IF VESSELS ARE ASSOCIATED WITH THE CONSTRUCTION, AND SHOULD BE PLACED VISIBLE TO THE VESSEL OPERATOR. THE SECOND SIGN SHOULD BE AT LEAST 8 1/2 INCHES BY 11 INCHES AND SHOULD READ "CAUTION: MANATEE HABITAT". IDLE SPEED IS REQUIRED IF OPERATING A VESSEL IN THE CONSTRUCTION AREA. ALL EQUIPMENT MUST BE SHUTDOWN IF A MANATEE COMES WITHIN 50 FEET OF OPERATION. ANY COLLISION WITH AND/OR INJURY TO A MANATEE SHALL BE REPORTED IMMEDIATELY TO THE FLORIDA MARINE PATROL AT 1-800-DIAL-FMP (1-800-342-5367). THE U.S. FISH AND WILDLIFE SERVICE SHOULD ALSO BE CONTACTED IN VERO BEACH (1-407-562-3909)."

13. IF THE PROJECT DESIGN IS CHANGED AS A RESULT OF OTHER AGENCY REQUIREMENTS, AN ENVIRONMENTAL RESOURCE PERMIT MODIFICATION MAY BE REQUIRED. THE PERMITTEE SHALL NOTIFY SFWMD STAFF OF DESIGN CHANGES REQUIRED BY OTHER AGENCIES FOR A DETERMINATION OF ANY NECESSARY PERMIT MODIFICATIONS.
14. ANY FUTURE CHANGES IN LAND USE OR TREATMENT OF WETLANDS AND/OR UPLAND BUFFER/COMPENSATION AREAS MAY REQUIRE AN ENVIRONMENTAL RESOURCE PERMIT MODIFICATION AND ADDITIONAL ENVIRONMENTAL REVIEW BY DISTRICT STAFF. PRIOR TO THE PERMITTEE INSTITUTING ANY FUTURE CHANGES NOT AUTHORIZED BY THIS PERMIT, THE

PERMITTEE SHALL NOTIFY THE SFWMD OF SUCH INTENTIONS FOR A DETERMINATION OF ANY NECESSARY PERMIT MODIFICATIONS.

15. THE WETLAND CONSERVATION AREAS AND BUFFER ZONES SHOWN ON EXHIBIT(S) 5 SHALL BE PLACED UNDER A CONSERVATION EASEMENT IN FAVOR OF THE SFWMD. THESE AREAS MAY IN NO WAY BE ALTERED FROM THEIR NATURAL STATE. ACTIVITIES PROHIBITED WITHIN THE CONSERVATION AREAS INCLUDE, BUT ARE NOT LIMITED TO: CONSTRUCTION OR PLACING OF BUILDINGS ON OR ABOVE THE GROUND; DUMPING OR PLACING SOIL OR OTHER SUBSTANCES SUCH AS TRASH; REMOVAL OR DESTRUCTION OF TREES, SHRUBS, OR OTHER VEGETATION - WITH THE EXCEPTION OF EXOTIC/NUISANCE VEGETATION REMOVAL; EXCAVATION, DREDGING, OR REMOVAL OF SOIL MATERIAL; DIKING OR FENCING; AND ANY OTHER ACTIVITIES DETRIMENTAL TO DRAINAGE, FLOOD CONTROL, WATER CONSERVATION, EROSION CONTROL, OR FISH AND WILDLIFE HABITAT CONSERVATION OR PRESERVATION.

16. NO LATER THAN NOVEMBER 30, 2000, THE PERMITTEE SHALL SUBMIT A RECORDED COPY OF THE CONSERVATION EASEMENT TO THE SFWMD ENVIRONMENTAL RESOURCE COMPLIANCE STAFF IN THE SERVICE CENTER WHERE THE APPLICATION WAS SUBMITTED. THE RECORDED EASEMENT SHALL BE IN SUBSTANTIAL CONFORMANCE WITH EXHIBIT 5. ANY PROPOSED MODIFICATIONS TO THE APPROVED FORM MUST RECEIVE PRIOR WRITTEN CONSENT FROM THE DISTRICT.

THE EASEMENT SHALL BE FREE OF ENCUMBRANCES OR INTERESTS WHICH THE DISTRICT DETERMINES ARE CONTRARY TO THE INTENT OF THE EASEMENT. IN THE EVENT IT IS LATER DETERMINED THAT THERE ARE ENCUMBRANCES OR INTERESTS IN THE EASEMENT WHICH THE DISTRICT DETERMINES ARE CONTRARY TO THE INTENT OF THE EASEMENT, THE PERMITTEE SHALL BE REQUIRED TO PROVIDE RELEASE OR SUBORDINATION OF SUCH ENCUMBRANCES OR INTERESTS.

17. PALM BEACH COUNTY SHALL BE RESPONSIBLE FOR THE COMPLETION OF THE FIVE-YEAR MONITORING PROGRAM FOR THE MANGROVE ENHANCEMENT AREAS AND THE SEAGRASS CREATION AREA. PALM BEACH COUNTY SHALL ALSO BE RESPONSIBLE FOR THE PERPETUAL MAINTENANCE OF THE MANGROVE ENHANCEMENT AREAS, THE BUFFERS AND THE SEAGRASS CREATION AREA.
18. A MAINTENANCE PROGRAM SHALL BE IMPLEMENTED FOR THE MANGROVE ENHANCEMENT AREAS, THE BUFFERS AND THE SEAGRASS CREATION AREA ON A REGULAR BASIS TO ENSURE THE INTEGRITY AND VIABILITY OF THE CONSERVATION AREA(S) AS PERMITTED. MAINTENANCE SHALL BE CONDUCTED IN PERPETUITY TO ENSURE THAT THE CONSERVATION AREAS ARE MAINTAINED FREE FROM EXOTIC VEGETATION (AS DEFINED BY THE FLORIDA EXOTIC PEST PLANT COUNCIL) AND THAT OTHER NUISANCE SPECIES SHALL CONSTITUTE NO MORE THAN 10% OF TOTAL COVER.
19. THE PROJECT MUST COMPLY WITH APPLICABLE STATE WATER QUALITY STANDARDS, INCLUDING:
- A. 62-302.500 - MINIMUM CRITERIA FOR ALL SURFACE WATERS AT ALL PLACES AND AT ALL TIMES;
 - B. 62-302.510 - SURFACE WATERS: GENERAL CRITERIA;
 - C. 62-302.560 - CLASS III WATERS: RECREATION, PROPAGATION AND MAINTENANCE OF A HEALTHY, WELL BALANCED POPULATION OF FISH AND WILDLIFE;

THE PERMITTEE SHALL TAKE ALL MEASURES NECESSARY TO CONTROL TURBIDITY, INCLUDING BUT NOT LIMITED TO THE INSTALLATION OF TURBIDITY BARRIERS AT ALL LOCATIONS WHERE THE POSSIBILITY OF TRANSFERRING SUSPENDED SOLIDS INTO THE RECEIVING WATERBODY EXISTS DUE TO THE PROPOSED WORK. TURBIDITY BARRIERS MUST BE MAINTAINED IN EFFECTIVE CONDITION AT ALL LOCATIONS UNTIL CONSTRUCTION IS COMPLETED AND DISTURBED SOIL AREAS ARE STABILIZED. THEREAFTER, THE PERMITTEE MUST REMOVE THE BARRIERS. AT NO TIME SHALL THERE BE ANY OFF-SITE DISCHARGE WHICH VIOLATES THE STATE WATER QUALITY STANDARDS IN CHAPTER 62-302, FLORIDA ADMINISTRATIVE CODE.

20. SILT SCREENS, FLOATING TURBIDITY BOOMS AND/OR OTHER SUCH SEDIMENT CONTROL MEASURES SHALL BE UTILIZED DURING CONSTRUCTION. THE SELECTED SEDIMENT CONTROL MEASURES

SHALL BE INSTALLED AROUND THE SPOIL DISPOSAL SITE AND AT THE LIMITS OF PROJECT CONSTRUCTION IN ACCORDANCE WITH EXHIBITS 2A AND 3, RESPECTIVELY. INSTALLATION MAY BE INSPECTED BY THE DISTRICT'S ENVIRONMENTAL COMPLIANCE STAFF PRIOR TO THE COMMENCEMENT OF DREDGING ACTIVITIES. ALL CONTROL MEASURES SHALL BE INSPECTED ON A REGULAR BASIS BY THE PERMITTEE AND MAINTAINED IN GOOD CONDITION. SEDIMENT AND TURBIDITY CONTROLS SHALL REMAIN IN PLACE UNTIL PROJECT CONSTRUCTION HAS BEEN COMPLETED AND THE SITE HAS BEEN INSPECTED AND DETERMINED TO BE IN COMPLIANCE BY THE DISTRICT'S ENVIRONMENTAL COMPLIANCE STAFF.

21. ALL CONTRACTORS MUST BE PROVIDED WITH A COPY OF THE STAFF REPORT AND PERMIT CONDITIONS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
22. THE CONSTRUCTION OF THE ACCESS CHANNEL ON THE WESTERN SIDE OF THE ISLAND SHALL NOT COMMENCE UNTIL SUCH TIME AS THE PERMITTEE HAS RECEIVED A RECORDED COPY OF THE SOVEREIGN SUBMERGED LANDS EASEMENT GRANTED.
23. A WETLAND MONITORING PROGRAM SHALL BE IMPLEMENTED WITHIN THE PROTECTED MANGROVES AND SEAGRASS CREATION AREA. MONITORING SHALL BE CONDUCTED IN ACCORDANCE WITH EXHIBIT(S) 6 AND SHALL INCLUDE ANNUAL REPORTS SUBMITTED TO THE SFWMD FOR REVIEW. MONITORING SHALL CONTINUE FOR A PERIOD OF 5 YEARS.
24. THE PERMITTEE SHALL ENHANCE 3.0 ACRES OF MANGROVES AND CREATE 0.27 ACRES OF SEAGRASSES AS MITIGATION FOR 0.23 ACRES OF SEAGRASS IMPACTS.
25. EXHIBITS 9A AND 9B, "TIDAL HYDRODYNAMIC MODELING OF PEANUT ISLAND IMPROVEMENTS" AND "HYDRODYNAMIC MODELING OF PEANUT ISLAND IMPROVEMENTS," PREPARED BY TOMASELLO CONSULTING ENGINEERS, INC., FOR THE PALM BEACH BOARD OF COUNTY COMMISSIONERS AND FOR COASTAL SYSTEMS INTERNATIONAL, INC., ARE HEREBY INCORPORATED INTO THIS PERMIT BY REFERENCE. THE DATES OF THE DOCUMENTS ARE MAY, 1997 AND DECEMBER 1999.
26. DURING CONSTRUCTION OF THE TIDAL POND/BOAT BASIN, SHALLOW WATER LAGOONS, SHALLOW WATER REEF AND FLUSHING CHANNELS, ALL WORK SHALL BE CONDUCTED BEHIND EARTHEN BERMS (SEE EXHIBIT 3). THE EARTHEN BERMS SHALL REMAIN IN PLACE AFTER THE COMPLETION OF CONSTRUCTION UNTIL SUCH TIME AS THE TURBIDITY LEVELS IN THE CREATED SURFACE WATERS ARE WITHIN 29 N.T.U. OF THE RECEIVING WATERBODY. TURBIDITY CURTAINS SHALL BE UTILIZED DURING THE REMOVAL OF THE EARTHEN BERMS.
27. THE SEAGRASS MITIGATION AREA WILL ACHIEVE A TEN PERCENT (10%) COVERAGE OF SEAGRASS VEGETATION BY THE END OF THE THIRD YEAR OF MONITORING. SUBSEQUENT MONITORING SHALL DEMONSTRATE THE CONTINUING COVERAGE OF THIS AREA. IN THE EVENT THAT SUCCESSFUL SEAGRASS RECRUITMENT DOES NOT OCCUR BY THE END OF THE FIFTH YEAR OF MONITORING, PALM BEACH COUNTY SHALL BE RESPONSIBLE FOR PROVIDING ALTERNATIVE MITIGATION. THE ALTERNATIVE MITIGATION MUST BE REVIEWED AND APPROVED BY THE SFWMD. PALM BEACH COUNTY SHALL ALSO BE RESPONSIBLE FOR THE SUCCESSFUL ENHANCEMENT OF THE MANGROVE WETLANDS AND FOR MAINTAINING THE MANGROVE FLUSHING CHANNELS FREE OF ACCRETION OF SEDIMENTS.
28. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE PERMITTEE SHALL CONDUCT A PRE-CONSTRUCTION MEETING WITH FIELD REPRESENTATIVES, CONTRACTORS AND DISTRICT STAFF. THE PURPOSE OF THE MEETING WILL BE TO DISCUSS THE TYPE AND LOCATION OF TURBIDITY AND EROSION CONTROLS TO BE IMPLEMENTED DURING CONSTRUCTION AND THE MOBILIZATION AND STAGING OF CONTRACTOR EQUIPMENT.
29. DUE TO THE PROXIMITY OF THIS PROJECT TO AREAS OF KNOWN MANATEE CONCENTRATIONS, ALL WORK CONDUCTED WATERWARD OF THE EXISTING SHORELINE DURING THE MONTHS OF DECEMBER, JANUARY AND FEBRUARY SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS:

A) THE BUREAU OF PROTECTED SPECIES MANAGEMENT SHALL BE NOTIFIED ONE WEEK PRIOR TO THE COMMENCEMENT OF THE WORK;

B) AT LEAST ONE PERSON SHALL BE DESIGNATED AS A MANATEE OBSERVER AT EACH SITE WHEN IN-WATER WORK IS BEING PERFORMED. THE MANATEE OBSERVER MUST BE ON SITE DURING ALL IN-WATER CONSTRUCTION ACTIVITIES AND WILL ADVISE PERSONNEL TO CEASE OPERATION UPON SIGHTING A MANATEE WITHIN 50 FEET OF ANY IN-WATER CONSTRUCTION ACTIVITY. MOVEMENT OF A WORK BARGE, OTHER ASSOCIATED VESSELS, OR ANY IN-WATER WORK SHALL NOT BE PERFORMED AFTER SUNSET, WHEN THE POSSIBILITY OF SPOTTING MANATEES IS NEGLIGIBLE; AND;

C) THE PERMITTEE SHALL ENSURE THAT THE CONTRACTOR MAINTAINS A LOG DETAILING SIGHTINGS, COLLISIONS, OR INJURIES TO MANATEES SHOULD THEY OCCUR DURING THE CONTRACT PERIOD. FOLLOWING PROJECT COMPLETION, THE LOGS SHALL BE SUBMITTED TO THE BUREAU OF PROTECTED SPECIES MANAGEMENT, 620 SOUTH MERIDIAN STREET, TALLAHASSEE, FLORIDA 32399-1600; AND;

30. THE MANATEE AWARENESS AND EDUCATION SIGNS SHALL BE INSTALLED AND MAINTAINED TO INCREASE BOATER AWARENESS. THESE SIGNS SHALL BE INSTALLED PRIOR TO THE FACILITY OPENING AND BEGINNING OPERATIONS, SHOULD BE REPLACED IN THE EVENT THE SIGNS FADE OR BECOME DAMAGED, AND SHALL BE MAINTAINED FOR THE LIFE OF THE FACILITY. THE NUMBER, TYPE, AND PROCEDURE FOR INSTALLATION SHOULD BE IN ACCORDANCE WITH "PERMANENT MANATEE SIGNS" WHICH CAN BE OBTAINED FROM THE BUREAU OF PROTECTED SPECIES MANAGEMENT, 620 S. MERIDIAN STREET, TALLAHASSEE, FL 32399-1600 (PHONE 850/922-4330).
31. A LITERATURE DISPLAY SHALL BE INSTALLED TO DISTRIBUTE (AT NO CHARGE) THE 'PALM BEACH COUNTY MANATEE PROTECTION ZONES' BOOKLETS TO BOATERS USING THE FACILITY. THE PERMITTEE SHALL ENSURE THAT THE LITERATURE DISPLAY HAS AN ADEQUATE SUPPLY OF BOOKLETS AT ALL TIMES.

GENERAL CONDITIONS

1. ALL ACTIVITIES AUTHORIZED BY THIS PERMIT SHALL BE IMPLEMENTED AS SET FORTH IN THE PLANS, SPECIFICATIONS AND PERFORMANCE CRITERIA AS APPROVED BY THIS PERMIT. ANY DEVIATION FROM THE PERMITTED ACTIVITY AND THE CONDITIONS FOR UNDERTAKING THAT ACTIVITY SHALL CONSTITUTE A VIOLATION OF THIS PERMIT AND PART IV, CHAPTER 373, F.S.
2. THIS PERMIT OR A COPY THEREOF, COMPLETE WITH ALL CONDITIONS, ATTACHMENTS, EXHIBITS, AND MODIFICATIONS SHALL BE KEPT AT THE WORK SITE OF THE PERMITTED ACTIVITY. THE COMPLETE PERMIT SHALL BE AVAILABLE FOR REVIEW AT THE WORK SITE UPON REQUEST BY THE DISTRICT STAFF. THE PERMITTEE SHALL REQUIRE THE CONTRACTOR TO REVIEW THE COMPLETE PERMIT PRIOR TO COMMENCEMENT OF THE ACTIVITY AUTHORIZED BY THIS PERMIT.
3. ACTIVITIES APPROVED BY THIS PERMIT SHALL BE CONDUCTED IN A MANNER WHICH DOES NOT CAUSE VIOLATIONS OF STATE WATER QUALITY STANDARDS. THE PERMITTEE SHALL IMPLEMENT BEST MANAGEMENT PRACTICES FOR EROSION AND POLLUTION CONTROL TO PREVENT VIOLATION OF STATE WATER QUALITY STANDARDS. TEMPORARY EROSION CONTROL SHALL BE IMPLEMENTED PRIOR TO AND DURING CONSTRUCTION, AND PERMANENT CONTROL MEASURES SHALL BE COMPLETED WITHIN 7 DAYS OF ANY CONSTRUCTION ACTIVITY. TURBIDITY BARRIERS SHALL BE INSTALLED AND MAINTAINED AT ALL LOCATIONS WHERE THE POSSIBILITY OF TRANSFERRING SUSPENDED SOLIDS INTO THE RECEIVING WATERBODY EXISTS DUE TO THE PERMITTED WORK. TURBIDITY BARRIERS SHALL REMAIN IN PLACE AT ALL LOCATIONS UNTIL CONSTRUCTION IS COMPLETED AND SOILS ARE STABILIZED AND VEGETATION HAS BEEN ESTABLISHED. ALL PRACTICES SHALL BE IN ACCORDANCE WITH THE GUIDELINES AND SPECIFICATIONS DESCRIBED IN CHAPTER 6 OF THE FLORIDA LAND DEVELOPMENT MANUAL; A GUIDE TO SOUND LAND AND WATER MANAGEMENT (DEPARTMENT OF ENVIRONMENTAL REGULATION, 1988), INCORPORATED BY REFERENCE IN RULE 40E-4.091, F.A.C. UNLESS A PROJECT-SPECIFIC EROSION AND SEDIMENT CONTROL PLAN IS APPROVED AS PART OF THE PERMIT. THEREAFTER THE PERMITTEE SHALL BE RESPONSIBLE FOR THE REMOVAL OF THE BARRIERS. THE PERMITTEE SHALL CORRECT ANY EROSION OR SHOALING THAT CAUSES ADVERSE IMPACTS TO THE WATER RESOURCES.
4. THE PERMITTEE SHALL NOTIFY THE DISTRICT OF THE ANTICIPATED CONSTRUCTION START DATE WITHIN 30 DAYS OF THE DATE THAT THIS PERMIT IS ISSUED. AT LEAST 48 HOURS PRIOR TO COMMENCEMENT OF ACTIVITY AUTHORIZED BY THIS PERMIT, THE PERMITTEE SHALL SUBMIT TO THE DISTRICT AN ENVIRONMENTAL RESOURCE PERMIT CONSTRUCTION COMMENCEMENT NOTICE FORM NO. 0960 INDICATING THE ACTUAL START DATE AND THE EXPECTED COMPLETION DATE.
5. WHEN THE DURATION OF CONSTRUCTION WILL EXCEED ONE YEAR, THE PERMITTEE SHALL SUBMIT CONSTRUCTION STATUS REPORTS TO THE DISTRICT ON AN ANNUAL BASIS UTILIZING AN ANNUAL STATUS REPORT FORM. STATUS REPORT FORMS SHALL BE SUBMITTED THE FOLLOWING JUNE OF EACH YEAR.
6. WITHIN 30 DAYS AFTER COMPLETION OF CONSTRUCTION OF THE PERMITTED ACTIVITY, THE PERMITTEE SHALL SUBMIT A WRITTEN STATEMENT OF COMPLETION AND CERTIFICATION BY A REGISTERED PROFESSIONAL ENGINEER OR OTHER APPROPRIATE INDIVIDUAL AS AUTHORIZED BY LAW, UTILIZING THE SUPPLIED ENVIRONMENTAL RESOURCE PERMIT CONSTRUCTION COMPLETION/CONSTRUCTION CERTIFICATION FORM NO.0881. THE STATEMENT OF COMPLETION AND CERTIFICATION SHALL BE BASED ON ONSITE OBSERVATION OF CONSTRUCTION OR REVIEW OF ASBUILT DRAWINGS FOR THE PURPOSE OF DETERMINING IF THE WORK WAS COMPLETED IN COMPLIANCE WITH PERMITTED PLANS AND SPECIFICATIONS. THIS SUBMITTAL SHALL SERVE TO NOTIFY THE DISTRICT THAT THE SYSTEM IS READY FOR INSPECTION. ADDITIONALLY, IF DEVIATION FROM THE APPROVED DRAWINGS ARE DISCOVERED DURING THE CERTIFICATION PROCESS, THE CERTIFICATION MUST BE ACCOMPANIED BY A COPY OF THE APPROVED PERMIT DRAWINGS WITH DEVIATIONS NOTED. BOTH THE ORIGINAL AND REVISED SPECIFICATIONS MUST BE CLEARLY SHOWN. THE PLANS MUST BE CLEARLY LABELED AS "ASBUILT" OR "RECORD" DRAWING. ALL SURVEYED DIMENSIONS AND ELEVATIONS SHALL BE CERTIFIED BY A

REGISTERED SURVEYOR.

7. THE OPERATION PHASE OF THIS PERMIT SHALL NOT BECOME EFFECTIVE: UNTIL THE PERMITTEE HAS COMPLIED WITH THE REQUIREMENTS OF CONDITION (6) ABOVE, HAS SUBMITTED A REQUEST FOR CONVERSION OF ENVIRONMENTAL RESOURCE PERMIT FROM CONSTRUCTION PHASE TO OPERATION PHASE, FORM NO.0920; THE DISTRICT DETERMINES THE SYSTEM TO BE IN COMPLIANCE WITH THE PERMITTED PLANS AND SPECIFICATIONS; AND THE ENTITY APPROVED BY THE DISTRICT IN ACCORDANCE WITH SECTIONS 9.0 AND 10.0 OF THE BASIS OF REVIEW FOR ENVIRONMENTAL RESOURCE PERMIT APPLICATIONS WITHIN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT - AUGUST 1995, ACCEPTS RESPONSIBILITY FOR OPERATION AND MAINTENANCE OF THE SYSTEM. THE PERMIT SHALL NOT BE TRANSFERRED TO SUCH APPROVED OPERATION AND MAINTENANCE ENTITY UNTIL THE OPERATION PHASE OF THE PERMIT BECOMES EFFECTIVE. FOLLOWING INSPECTION AND APPROVAL OF THE PERMITTED SYSTEM BY THE DISTRICT, THE PERMITTEE SHALL INITIATE TRANSFER OF THE PERMIT TO THE APPROVED RESPONSIBLE OPERATING ENTITY IF DIFFERENT FROM THE PERMITTEE. UNTIL THE PERMIT IS TRANSFERRED PURSUANT TO SECTION 40E-1.6107, F.A.C., THE PERMITTEE SHALL BE LIABLE FOR COMPLIANCE WITH THE TERMS OF THE PERMIT.
8. EACH PHASE OR INDEPENDENT PORTION OF THE PERMITTED SYSTEM MUST BE COMPLETED IN ACCORDANCE WITH THE PERMITTED PLANS AND PERMIT CONDITIONS PRIOR TO THE INITIATION OF THE PERMITTED USE OF SITE INFRASTRUCTURE LOCATED WITHIN THE AREA SERVED BY THAT PORTION OR PHASE OF THE SYSTEM. EACH PHASE OR INDEPENDENT PORTION OF THE SYSTEM MUST BE COMPLETED IN ACCORDANCE WITH THE PERMITTED PLANS AND PERMIT CONDITIONS PRIOR TO TRANSFER OF RESPONSIBILITY FOR OPERATION AND MAINTENANCE OF THE PHASE OR PORTION OF THE SYSTEM TO A LOCAL GOVERNMENT OR OTHER RESPONSIBLE ENTITY.
9. FOR THOSE SYSTEMS THAT WILL BE OPERATED OR MAINTAINED BY AN ENTITY THAT WILL REQUIRE AN EASEMENT OR DEED RESTRICTION IN ORDER TO ENABLE THAT ENTITY TO OPERATE OR MAINTAIN THE SYSTEM IN CONFORMANCE WITH THIS PERMIT, SUCH EASEMENT OR DEED RESTRICTION MUST BE RECORDED IN THE PUBLIC RECORDS AND SUBMITTED TO THE DISTRICT ALONG WITH ANY OTHER FINAL OPERATION AND MAINTENANCE DOCUMENTS REQUIRED BY SECTIONS 9.0 AND 10.0 OF THE BASIS OF REVIEW FOR ENVIRONMENTAL RESOURCE PERMIT APPLICATIONS WITHIN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT - AUGUST 1995, PRIOR TO LOT OR UNIT SALES OR PRIOR TO THE COMPLETION OF THE SYSTEM, WHICHEVER OCCURS FIRST. OTHER DOCUMENTS CONCERNING THE ESTABLISHMENT AND AUTHORITY OF THE OPERATING ENTITY MUST BE FILED WITH THE SECRETARY OF STATE WHERE APPROPRIATE. FOR THOSE SYSTEMS WHICH ARE PROPOSED TO BE MAINTAINED BY THE COUNTY OR MUNICIPAL ENTITIES, FINAL OPERATION AND MAINTENANCE DOCUMENTS MUST BE RECEIVED BY THE DISTRICT WHEN MAINTENANCE AND OPERATION OF THE SYSTEM IS ACCEPTED BY THE LOCAL GOVERNMENT ENTITY. FAILURE TO SUBMIT THE APPROPRIATE FINAL DOCUMENTS WILL RESULT IN THE PERMITTEE REMAINING LIABLE FOR CARRYING OUT MAINTENANCE AND OPERATION OF THE PERMITTED SYSTEM AND ANY OTHER PERMIT CONDITIONS.
10. SHOULD ANY OTHER REGULATORY AGENCY REQUIRE CHANGES TO THE PERMITTED SYSTEM, THE PERMITTEE SHALL NOTIFY THE DISTRICT IN WRITING OF THE CHANGES PRIOR TO IMPLEMENTATION SO THAT A DETERMINATION CAN BE MADE WHETHER A PERMIT MODIFICATION IS REQUIRED.
11. THIS PERMIT DOES NOT ELIMINATE THE NECESSITY TO OBTAIN ANY REQUIRED FEDERAL, STATE, LOCAL AND SPECIAL DISTRICT AUTHORIZATIONS PRIOR TO THE START OF ANY ACTIVITY APPROVED BY THIS PERMIT. THIS PERMIT DOES NOT CONVEY TO THE PERMITTEE OR CREATE IN THE PERMITTEE ANY PROPERTY RIGHT, OR ANY INTEREST IN REAL PROPERTY, NOR DOES IT AUTHORIZE ANY ENTRANCE UPON OR ACTIVITIES ON PROPERTY WHICH IS NOT OWNED OR CONTROLLED BY THE PERMITTEE, OR CONVEY ANY RIGHTS OR PRIVILEGES OTHER THAN THOSE SPECIFIED IN THE PERMIT AND CHAPTER 40E-4 OR CHAPTER 40E-40, F.A.C.
12. THE PERMITTEE IS HEREBY ADVISED THAT SECTION 253.77, F.S. STATES THAT A PERSON MAY NOT COMMENCE ANY EXCAVATION, CONSTRUCTION, OR OTHER ACTIVITY INVOLVING THE USE OF SOVEREIGN OR OTHER LANDS OF THE STATE, THE TITLE TO WHICH IS VESTED IN THE BOARD

Dock Construction Guidelines in Florida
U.S. Army Corps of Engineers/National Marine Fisheries Service
November 1998

1. Avoidance. The pier shall be aligned so as to minimize the size of the footprint over seagrass beds.
2. Height of pier shall be a minimum of 5' above MHW as measured from the top surface of the decking.
3. Width of the pier shall be no more than a maximum of 4'. A turnaround area is allowed for piers greater than 200' in length. The turnaround is limited to a section of the pier no more than 10' in length and no more than 6' in width. The turnaround shall be located at the midpoint of the pier.
4. Over seagrass bed portions of the pier shall be oriented in a north-south orientation to the maximum extent that is practicable.
5. a. If possible, terminal platforms shall be placed in deep water waterward of seagrass beds or in an area devoid of seagrass beds.

b. If a terminal platform must be placed in seagrass areas, the total size of the platform shall be limited to 160 sq. ft. and be constructed of grated decking. The grated deck material must be approved by the Corps. The configuration of the platform shall be a maximum of 8' by 20', of which a maximum 5' wide by a maximum 20' long section shall conform to the 5' height requirement. A narrow 3' section may be placed 3' above MHW to facilitate boat access. The long axis of the platform should be aligned in a north-south direction to the maximum extent that is practicable.

c. If the terminal platform is to be constructed of planks, the total size of the platform shall be limited to 120 sq. ft. The configuration of the platform shall be a maximum of 6' by 20' of which a maximum 4' wide by 20' long section shall conform to the 5' height requirement. A narrow 2' section may be placed 3' above MHW to facilitate boat access. The 2' section shall be cantilevered. The long axis of the platform should be aligned in a north-south direction to the maximum extent that is practicable.
6. One uncovered boat slip is allowed. A narrow catwalk (2' wide) may be added to facilitate boat maintenance along the outboard side of the boat slip and a 4' wide walkway may be added along the stern end of the boat slip, provided all such walkways are elevated 5' above MHW. The 2' wide catwalk shall be cantilevered from the outboard mooring pilings (spaced no closer than 10' apart).
7. Pilings shall be installed in a manner which will not result in the formation of sedimentary deposits ("donuts" or "halos") around the newly installed pilings.
8. The spacing of pilings through seagrass beds shall be a minimum of 10'.
9. Gaps between deck boards shall be a minimum of 1/2".



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
WEST PALM BEACH REGULATORY OFFICE
400 NORTH CONGRESS AVENUE, SUITE 130
WEST PALM BEACH, FLORIDA 33401

APR 12 2002

Regulatory Division
South Permits Branch
199603357 (GP-BP)

Palm Beach County
Department of Environmental Resources Management
ATTN: Mr. Richard Walesky, Director
3323 Belvedere Road, Bldg 502
West Palm Beach, Florida 33406

Dear Applicant:

Reference is made to your joint permit application dated April 2, 2002 regarding the proposed floating dock to be constructed within a boat basin created from uplands on Peanut Island. The project is located within Section 34, Township 42 South, Range 43 East, Palm Beach County, Florida.


The proposed commercial dock construction is authorized by General Permit **SAJ-34**, a copy of which is enclosed for your information and use. You are authorized to proceed with the project in accordance with the enclosed drawings subject to ALL conditions of the permit.

If the work authorized herein is not completed by **March 01, 2007**, no further work may be undertaken and you should contact this office. A determination of the status of the General Permit will be made and you will be advised. If the General Permit has been reissued with no substantive change(s), a request for an extension of your previous authorization will be considered. If the General Permit has not been reissued or was reissued with new conditions, a new application and drawings may need to be submitted for further review.

Thank you for your cooperation with our permit program.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert W. Paulson". The signature is fluid and cursive, with a large, looping "P" at the end.

 John F. Studt
Chief, South Permits Branch

Enclosure

REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P.O. BOX 4878
JACKSONVILLE, FLORIDA 32232-0010

Regulatory Division
Regional General Permit SAJ-34

MAR 01 2001

DEPARTMENT OF THE ARMY PERMIT

GENERAL PERMIT SAJ-34

COMMERCIAL PIERS - STATE OF FLORIDA

Upon recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of 3 March 1899 (33 U.S.C. 403), general authority is hereby given to construct commercial piers 1,000 square feet or less in surface area in navigable waters of the United States within the State of Florida subject to the following conditions:

SPECIAL CONDITIONS:

1. Structures authorized under this general permit are private commercial piers 1,000 square feet or less in surface area and accommodating 5 or fewer slips (including dry storage), unless a Florida Department of Environmental Protection-approved Manatee Protection Plan is more restrictive. This would include normal appurtenances such as boat hoists, boat shelters with open sides, stairways, walkways, mooring pilings, and maintenance of same. Associated mooring pilings are not included in this surface area. Note: Expansion of existing marinas or other commercial facilities is not authorized under this general permit.

2. No work shall be performed until the applicant submits satisfactory plans for the proposed structure and receives written authorization from the District Engineer.

3. No structures shall be authorized by the general permit in:

a. Federal Manatee Sanctuaries, refuges, motorboat prohibited zones, or no entry zones.

b. Crystal, Salt, and Homosassa Rivers, Citrus County, Doctors Lake and that portion of the St. Johns River from Green Cove Springs up to the Buckman Bridge (Clay County); Tomoka River (Volusia County); Caloosahatchee River in all areas adjacent to Cape

Coral (Lee County); Charlotte Harbor (Charlotte County); North Fork of the St. Lucie River (Martin County); Barnes Sound Waterway (Dade County).

c. Faka Union Canal in Collier County.

d. All waters of Brevard County except land-locked lakes.

e. Within 2 miles of the following manatee aggregation sites: FPC Crystal River Power Plant (Citrus County), FPC Bartow Power Plant (Pinellas County), TECO Big Bend Power Plant (Hillsborough County), TECO Port Sutton (Pinellas County), FPL Ft. Myers Power Plant (Lee County), Blue Springs (Volusia County), JEA Southside and JEA Kennedy Generating Stations and Jefferson Smurfit Corporation (Duval County), Container Corporation of America Paper Mill (Nassau County), Vero Beach Power Plant (Indian River County), Henry D. King Municipal Electric Station (Ft. Pierce, St. Lucie County), FPL Riviera Beach Power Plant (Palm Beach County), FPL Port Everglades Power Plant (Broward County), and FPL Lauderdale Power Plant (Broward County).

f. The Okeechobee Waterway between St. Lucie Lock in Martin County and W.P. Franklin Lock in Lee County.

g. American Crocodile critical habitat, Biscayne Bay National Park Protection Zone (Dade County), Lake Okeechobee or in the St. Lucie Impoundment (Palm Beach County), and areas identified in the Wild and Scenic Rivers Act (16 U.S.C. 1317, et seq.): the St. Mary's River, from its headwaters to its confluence with the Bells River, the entire Wekiva River, including Wekiwa Springs Run, Rock Springs Run, the entire Seminole Creek, and Black Water Creek from its outfall at Lake Norris to its confluence with the Wekiva River, the Loxahatchee River from Riverbend Park downstream to Jonathan Dickinson State Park.

h. Within the boundaries of the Timucuan Ecological and Historical Preserve (Duval County).

i. The following state parks in Monroe County: John Pennekamp Coral Reef State Park, Lignum Vitae Key State Botanical Site and Aquatic Preserve, Long Key State Park, Curry Hammock State Park, and Bahia Honda State Park.

4. No activity shall be authorized under this general permit which by its size or location may adversely affect water quality, fish and wildlife habitat, wetlands, or emergent or submerged

aquatic vegetation. Adverse impacts to submerged aquatic vegetation may be ameliorated by strict adherence to the attached joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Dock Construction Guidelines", dated November 1998. Dock construction in submerged aquatic vegetation which does not adhere to these guidelines cannot be authorized by SAJ-34.

5. Prior to issuance of authorization the dichotomous key entitled, "Guidance to the Corps of Engineers, Jacksonville District, and the Department of Environmental Protection regarding 'may affect' determinations for the manatee in Florida", will be used to determine potential manatee impacts. Projects judged as a "may affect" to the manatee will be coordinated with the U.S. Fish and Wildlife Service in accordance with the Endangered Species Act. *Note: The manatee key may be subject to revision at any time. It is our intention that the most recent version of this technical tool will be utilized during the evaluation of the permit application.*

6. The permittee shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel are responsible for observing water-related activities for the presence of manatee(s).

7. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act of 1978. The permittee and/or contractor may be held responsible for any manatee harmed, harassed, or killed as a result of construction activities.

8. Siltation barriers shall be installed, shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be monitored regularly to avoid manatee entrapment. Barriers shall not block manatee entry to or exit from essential habitat.

9. All vessels associated with the project shall operate at "no wake/idle" speeds at all times while in water where the draft of the vessel provides less than four feet clearance from the bottom and that vessels shall follow routes of deep water whenever possible.

10. If a manatee is sighted within 100 yards of the project area, all appropriate precautions shall be implemented by the permittee/contractor to ensure protection of the manatee. These

precautions shall include operating all equipment in such a manner that moving equipment does not come within 50 feet to any manatee. Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment. Activities will not resume until the manatee(s) has departed the project area of its own volition.

11. Any collision with and/or injury to a manatee shall be reported immediately to the "Manatee Hotline" at 1-888-404-FWCC (1-888-404-3922). Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-561-562-3909) in south Florida.

12. Temporary signs concerning manatees shall be posted prior to and during construction/dredging activities. All temporary signs are to be removed by the permittee/contractor/lessee/grantee upon completion of the project. A sign measuring at least 3 feet by 4 feet which reads *Caution: Manatee Area* will be posted in a location prominently visible to water related construction crews. A second sign should be posted if vessels are associated with the construction, and should be placed visible to the vessel operator. The second sign should be at least 8 1/2 inches by 11 inches which reads:

Caution: Manatee Habitat. Idle speed is required if operating a vessel in the construction area. All equipment must be shutdown if a manatee comes within 50 feet of the operation. A collision with and/or injury to a manatee shall be reported immediately to the Florida Marine Patrol at 1-888-404-FWCC (1-888-404-3922) and the U.S. Fish and Wildlife Service at (1-904-232-2580) for north Florida or (1-561-562-3909) for south Florida.

13. One permanent manatee awareness sign (s) shall be installed and maintained at the docking facility. The sign shall be three feet by four feet, 125 gauge 61TS aluminum, covered with white, engineer grade, reflective sheeting; black, painted lettering; black screened design; and orange, engineer grade, reflective tape border. The 3 feet wide by 4 feet long sign shall conform to the Florida Uniform Waterway Marking System in accordance with F.S. 327.40-1. The installation of the sign shall be made in accordance with DEP specification for such signs.

14. Verification (photos) that signs have been installed at designated locations shall be provided to the U.S. Fish and

Wildlife Service and the Corps before the docking facility begins operations. Signs and pilings remain the responsibility of the owner(s) and are to be maintained for the life of the docking facility in a manner acceptable to the Corps of Engineers.

15. Where multiple slip facilities are authorized, the dock must be grouped to minimize shoreline disruption.

16. In the Intracoastal Waterway, no structure, including mooring piles, authorized under this general permit shall be within the established setback (normally 100' but may vary in a few specific reaches), calculated from the near-bottom edge of the Federal channel, unless it is a 5-foot marginal pier. Any activity within Federal rights-of-way will require the permittee to enter into a consent-to-easement with the Real Estate Division, U.S. Army Corps of Engineers, Jacksonville or Mobile District, as appropriate, prior to the commencement of any construction activity.

17. No living, fueling, or storage facilities over navigable waters of the United States are authorized under this general permit.

18. The structure shall not adversely affect or disturb properties listed or eligible for inclusion in the National Register of Historic Places. Prior to the start of work, the permittee must contact the State Historic Preservation Officer in Tallahassee and receive confirmation that no impacts to cultural resources will occur.

19. Applicable permits under part IV of chapter 373 of the Florida Statutes, and applicable state lands authorizations under chapter 253 of the Florida Statutes must be obtained from the State of Florida, Department of Environmental Protection (DEP), or Water Management District (WMD), or their authorized representatives, as appropriate.

20. A structure authorized by this general permit must not interfere with general navigation. Structures constructed on canals or adjacent to channels must not extend more than 25% of waterway width.

21. No work shall be performed until after the permittee provides notification to the owner(s) or operator(s) of any marked utilities in the area of the structure.

22. This general permit will be valid until suspended or revoked by issuance of a public notice by the District Engineer.

Reviews will be conducted to determine if continuance of the permit is not contrary to the public interest.

23. Conformance with the description contained herein does not necessarily guarantee authorization under this general permit.

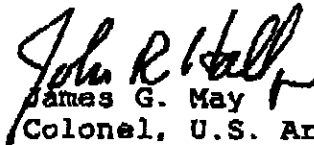
24. The District Engineer reserves the right to require that any request for authorization under this general permit be processed as a standard permit.

25. This general permit shall be valid for a period of five (5) years from the date issued. Authorization of activities that have commenced or are under contract to commence in reliance on SAJ-34 will remain in effect provided the activity is completed within twelve months of the date SAJ-34 expired or was revoked.

26. No activity shall be authorized under this general permit which is likely to adversely affect a Federally listed threatened or endangered species or a species proposed for such designation, or destroy or adversely modify its designated critical habitat.

27. The General Conditions attached hereto are made a part of this permit

BY AUTHORITY OF THE SECRETARY OF THE ARMY:


James G. May
Colonel, U.S. Army
District Engineer

GENERAL CONDITIONS FOR DEPARTMENT OF THE ARMY PERMITS**General Conditions**

1. The time limit for completing the work authorized ends on _____.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature and mailing address of the new owner in the space provided below and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.
7. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

Further Information:

1. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal projects.
2. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

3. **Reliance on Applicant's Data:** The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

4. **Reevaluation of Permit Decision:** This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 3 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

5. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFeree-SIGNATURE)

(DATE)

(NAME-PRINTED)

(ADDRESS)

Dock Construction Guidelines in Florida
U.S. Army Corps of Engineers/National Marine Fisheries Service
November 1998

1. Avoidance. The pier shall be aligned so as to minimize the size of the footprint over seagrass beds.
2. Height of pier shall be a minimum of 5' above MHW as measured from the top surface of the decking.
3. Width of the pier shall be no more than a maximum of 4'. A turnaround area is allowed for piers greater than 200' in length. The turnaround is limited to a section of the pier no more than 10' in length and no more than 6' in width. The turnaround shall be located at the midpoint of the pier.
4. Over seagrass bed portions of the pier shall be oriented in a north-south orientation to the maximum extent that is practicable.
5. a. If possible, terminal platforms shall be placed in deep water waterward of seagrass beds or in an area devoid of seagrass beds.

b. If a terminal platform must be placed in seagrass areas, the total size of the platform shall be limited to 160 sq. ft. and be constructed of grated decking. The grated deck material must be approved by the Corps. The configuration of the platform shall be a maximum of 8' by 20', of which a maximum 5' wide by a maximum 20' long section shall conform to the 5' height requirement. A narrow 3' section may be placed 3' above MHW to facilitate boat access. The long axis of the platform should be aligned in a north-south direction to the maximum extent that is practicable.

c. If the terminal platform is to be constructed of planks, the total size of the platform shall be limited to 120 sq. ft. The configuration of the platform shall be a maximum of 6' by 20' of which a maximum 4' wide by 20' long section shall conform to the 5' height requirement. A narrow 2' section may be placed 3' above MHW to facilitate boat access. The 2' section shall be cantilevered. The long axis of the platform should be aligned in a north-south direction to the maximum extent that is practicable.
6. One uncovered boat slip is allowed. A narrow catwalk (2' wide) may be added to facilitate boat maintenance along the outboard side of the boat slip and a 4' wide walkway may be added along the stern end of the boat slip, provided all such walkways are elevated 5' above MHW. The 2' wide catwalk shall be cantilevered from the outboard mooring pilings (spaced no closer than 10' apart).
7. Pilings shall be installed in a manner which will not result in the formation of sedimentary deposits ("donuts" or "halos") around the newly installed pilings.
8. The spacing of pilings through seagrass beds shall be a minimum of 10'.
9. Gaps between deck boards shall be a minimum of 1/2".



FORM 9914B
Rev. 02/95

Lake Worth Lagoon

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE PERMIT NO. 50-04766-P
DATE ISSUED: FEBRUARY 15, 2001

PERMITTEE: CITY OF LAKE WORTH
(CITY OF LAKE WORTH RESTORATION PROJECT)
7 NORTH DIXIE HIGHWAY,
LAKE WORTH, FL 33460

PROJECT DESCRIPTION: AUTHORIZATION FOR CONSTRUCTION OF AN ENVIRONMENTAL RESTORATION PROJECT WITHIN 99 ACRES OF LAKE WORTH LAGOON IN PALM BEACH COUNTY INCLUDING 0.4 ACRE EXPANSION OF GOLF COURSE TEES.

PROJECT LOCATION: PALM BEACH COUNTY, SECTION 15.22 TWP 44S RGE 43E

PERMIT DURATION: Five years from the date issued to complete construction of the surface water management system as authorized herein. See attached Rule 40E-4.321, Florida Administrative Code.

This Permit is issued pursuant to Application No. 000525-7, dated May 24, 2000. Permittee agrees to hold and save the South Florida Water Management District and its successors harmless from any and all damages, claims or liabilities which may arise by reason of the construction, operation, maintenance or use of activities authorized by this Permit. This Permit is issued under the provisions of Chapter 373, Part IV Florida Statutes (F.S.), and the Operating Agreement Concerning Regulation Under Part IV, Chapter 373 F.S., between South Florida Water Management District and the Department of Environmental Protection. Issuance of this Permit constitutes certification of compliance with state water quality standards where necessary pursuant to Section 401, Public Law 92-500, 33 USC Section 1341, unless this Permit is issued pursuant to the net improvement provisions of Subsections 373.414(1)(b), F.S., or as otherwise stated herein.

This Permit may be transferred pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-1.6107(1) and (2), and 40E-4.351(1), (2), and (4), Florida Administrative Code (F.A.C.). This Permit may be revoked, suspended, or modified at any time pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-4.351(1), (2), and (4), F.A.C.

This Permit shall be subject to the General Conditions set forth in Rule 40E-4.381, F.A.C., unless waived or modified by the Governing Board. The Application, and the Environmental Resource Permit Staff Review Summary of the Application, including all conditions, and all plans and specifications incorporated by reference, are a part of this Permit. All activities authorized by this Permit shall be implemented as set forth in the plans, specifications, and performance criteria as set forth and incorporated in the Environmental Resource Permit Staff Review Summary. Within 30 days after completion of construction of the permitted activity, the Permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual, pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-4.361 and 40E-4.381, F.A.C.

In the event the property is sold or otherwise conveyed, the Permittee will remain liable for compliance with this Permit until transfer is approved by the District pursuant to Rule 40E-1.6107, F.A.C.

SPECIAL AND GENERAL CONDITIONS ARE AS FOLLOWS:

SEE PAGES	2 - 3	OF	6	(11 SPECIAL CONDITIONS).
SEE PAGES	4 - 6	OF	6	(19 GENERAL CONDITIONS).

FILED WITH THE CLERK OF THE SOUTH
FLORIDA WATER MANAGEMENT DISTRICT

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD

ON 28-Feb-2001

BY Jennifer Krumlauf
DEPUTY CLERK

By [Signature]
ASSISTANT SECRETARY

Lake Worth Lagoon



FORM 20145
Rev. 06/95

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE PERMIT NO. 50-04766-P
DATE ISSUED: FEBRUARY 15, 2001

PERMITTEE: CITY OF LAKE WORTH
(CITY OF LAKE WORTH RESTORATION PROJECT)
7 NORTH DIXIE HIGHWAY,
LAKE WORTH, FL 33460

PROJECT DESCRIPTION: AUTHORIZATION FOR CONSTRUCTION OF AN ENVIRONMENTAL RESTORATION PROJECT WITHIN 99 ACRES OF LAKE WORTH LAGOON IN PALM BEACH COUNTY INCLUDING 0.4 ACRE EXPANSION OF GOLF COURSE TEES.

PROJECT LOCATION: PALM BEACH COUNTY, SECTION 15.22 TWP 44S RGE 43E

PERMIT DURATION: Five years from the date issued to complete construction of the surface water management system as authorized herein. See attached Rule 40E-4.321, Florida Administrative Code.

This Permit is issued pursuant to Application No. 000525-7, dated May 24, 2000. Permittee agrees to hold and save the South Florida Water Management District and its successors harmless from any and all damages, claims or liabilities which may arise by reason of the construction, operation, maintenance or use of activities authorized by this Permit. This Permit is issued under the provisions of Chapter 373, Part IV Florida Statutes (F.S.), and the Operating Agreement Concerning Regulation Under Part IV, Chapter 373 F.S., between South Florida Water Management District and the Department of Environmental Protection. Issuance of this Permit constitutes certification of compliance with state water quality standards where necessary pursuant to Section 401, Public Law 92-500, 33 USC Section 1341, unless this Permit is issued pursuant to the net improvement provisions of Subsections 373.414(1)(b), F.S., or as otherwise stated herein. PBC ①

This Permit may be transferred pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-1.6107(1) and (2), and 40E-4.351(1), (2), and (4), Florida Administrative Code (F.A.C.). This Permit may be revoked, suspended, or modified at any time pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-4.351(1), (2), and (4), F.A.C.

⑦ This Permit shall be subject to the General Conditions set forth in Rule 40E-4.381, F.A.C., unless waived or modified by the Governing Board. The Application, and the Environmental Resource Permit Staff Review Summary of the Application, including all conditions, and all plans and specifications incorporated by reference, are a part of this Permit. All activities authorized by this Permit shall be implemented as set forth in the plans, specifications, and performance criteria as set forth and incorporated in the Environmental Resource Permit Staff Review Summary. Within 30 days after completion of construction of the permitted activity, the Permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual, pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-4.361 and 40E-4.381, F.A.C.

In the event the property is sold or otherwise conveyed, the Permittee will remain liable for compliance with this Permit until transfer is approved by the District pursuant to Rule 40E-1.6107, F.A.C.

SPECIAL AND GENERAL CONDITIONS ARE AS FOLLOWS:

SEE PAGES	2 - 3	OF 6	(11 SPECIAL CONDITIONS).
SEE PAGES	4 - 6	OF 6	(19 GENERAL CONDITIONS).

FILED WITH THE CLERK OF THE SOUTH
FLORIDA WATER MANAGEMENT DISTRICT

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD

ON 28-Feb-2001

BY Jennifer Krumlauf
DEPUTY CLERK

By [Signature]
ASSISTANT SECRETARY

SPECIAL CONDITIONS

1. THE PERMITTEE SHALL BE RESPONSIBLE FOR THE CORRECTION OF ANY EROSION, SHOALING OR WATER QUALITY PROBLEMS THAT RESULT FROM THE CONSTRUCTION OR OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM.
2. MEASURES SHALL BE TAKEN DURING CONSTRUCTION TO INSURE THAT SEDIMENTATION AND/OR TURBIDITY PROBLEMS ARE NOT CREATED IN THE RECEIVING WATER.
3. THE DISTRICT RESERVES THE RIGHT TO REQUIRE THAT ADDITIONAL WATER QUALITY TREATMENT METHODS BE INCORPORATED INTO THE DRAINAGE SYSTEM IF SUCH MEASURES ARE SHOWN TO BE NECESSARY. (2)
4. FACILITIES OTHER THAN THOSE STATED HEREIN SHALL NOT BE CONSTRUCTED WITHOUT AN APPROVED MODIFICATION OF THIS PERMIT. (4)
5. OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM SHALL BE THE RESPONSIBILITY OF THE PERMITTEE. PRIOR TO TRANSFER OF TITLE FOR ANY PORTION OF THE PROJECT TO A THIRD PARTY, MODIFICATION OF THE PERMIT WILL BE REQUIRED.
6. ACTIVITIES ASSOCIATED WITH IMPLEMENTATION OF THE WETLAND MITIGATION, MONITORING AND MAINTENANCE SHALL BE IN ACCORDANCE WITH THE FOLLOWING WORK SCHEDULE. ANY DEVIATION FROM THESE TIME FRAMES SHALL REQUIRE FORMAL SFWMD APPROVAL. SUCH REQUESTS MUST BE MADE IN WRITING AND SHALL INCLUDE (1) REASON FOR THE MODIFICATION; (2) PROPOSED START/FINISH DATES; AND (3) PROGRESS REPORT ON THE STATUS OF THE EXISTING MITIGATION EFFORTS.

COMPLETION DATE	ACTIVITY
OCTOBER 15, 2002	FIRST MONITORING REPORT
OCTOBER 15, 2003	SECOND MONITORING REPORT
OCTOBER 15, 2004	THIRD MONITORING REPORT
OCTOBER 15, 2005	FOURTH MONITORING REPORT
OCTOBER 15, 2006	FIFTH MONITORING REPORT

7. THE PERMITTEE SHALL COMPLY WITH THE FOLLOWING MANATEE PROTECTION CONSTRUCTION CONDITIONS:
 - A) THE PERMITTEE SHALL INSTRUCT ALL PERSONNEL ASSOCIATED WITH THE PROJECT OF THE POTENTIAL PRESENCE OF MANATEES AND THE NEED TO AVOID COLLISION WITH MANATEES. ALL CONSTRUCTION PERSONNEL ARE RESPONSIBLE FOR OBSERVING WATER-RELATED ACTIVITIES FOR THE PRESENCE OF MANATEE(S).
 - B) THE PERMITTEE SHALL ADVISE ALL CONSTRUCTION PERSONNEL THAT THERE ARE CIVIL AND CRIMINAL PENALTIES FOR HARMING, HARASSING, OR KILLING MANATEES WHICH ARE PROTECTED UNDER THE MARINE MAMMAL PROTECTION ACT OF 1972, THE ENDANGERED SPECIES ACT OF 1973, AND THE FLORIDA MANATEE SANCTUARY ACT.
 - C) SILTATION BARRIERS SHALL BE MADE OF MATERIAL IN WHICH MANATEES CANNOT BECOME ENTANGLED, ARE PROPERLY SECURED, AND ARE REGULARLY MONITORED TO AVOID MANATEE ENTRAPMENT. BARRIERS MUST NOT BLOCK MANATEE ENTRY TO OR EXIT FROM ESSENTIAL HABITAT.
 - D) ALL VESSELS ASSOCIATED WITH THE CONSTRUCTION PROJECT SHALL OPERATE AT "NO WAKE/IDLE" SPEEDS AT ALL TIMES WHILE IN THE CONSTRUCTION AREA AND WHILE IN WATER WHERE THE DRAFT OF THE VESSEL PROVIDES LESS THAN FOUR-FEET CLEARANCE FROM THE BOTTOM. ALL VESSELS WILL FOLLOW ROUTES OF DEEP WATER WHENEVER POSSIBLE.
 - E) IF MANATEES OR SEA TURTLE SEEN WITHIN 100 YARDS OF THE ACTIVE DAILY

CONSTRUCTION/DREDGING OPERATION OR VESSEL MOVEMENT, ALL APPROPRIATE PRECAUTIONS SHALL BE IMPLEMENTED TO ENSURE PROTECTION OF THE MANATEE OR SEA TURTLE. THESE PRECAUTIONS SHALL INCLUDE THE OPERATION OF ALL MOVING EQUIPMENT NO CLOSER THAN 50 FEET OF A MANATEE OR SEA TURTLE. OPERATION OF ANY EQUIPMENT CLOSER THAN 50 FEET TO A MANATEE OR SEA TURTLE SHALL NECESSITATE IMMEDIATE SHUTDOWN OF THAT EQUIPMENT. ACTIVITIES WILL NOT RESUME UNTIL THE MANATEE OR SEA TURTLE HAS DEPARTED THE PROJECT AREA OF ITS OWN VOLITION.

F) ANY COLLISION WITH AND/OR INJURY TO A MANATEE SHALL BE REPORTED IMMEDIATELY TO THE FLORIDA MARINE PATROL AT 1-800-DIAL-FMP (1-800-342 5367). COLLISION AND/OR INJURY SHOULD ALSO BE REPORTED TO THE U.S. FISH AND WILDLIFE SERVICE IN VERO BEACH (1-407-562-3909).

G) TEMPORARY SIGNS CONCERNING MANATEES SHALL BE POSTED PRIOR TO AND DURING ALL CONSTRUCTION/DREDGING ACTIVITIES. ALL SIGNS ARE TO BE REMOVED BY THE PERMITTEE UPON COMPLETION OF THE PROJECT. A SIGN MEASURING AT LEAST THREE (3) FEET BY FOUR (4) FEET WHICH READS "CAUTION: MANATEE AREA" WILL BE POSTED IN A LOCATION PROMINENTLY VISIBLE TO WATER RELATED CONSTRUCTION CREWS. A SECOND SIGN SHOULD BE POSTED IF VESSELS ARE ASSOCIATED WITH THE CONSTRUCTION, AND SHOULD BE PLACED VISIBLE TO THE VESSEL OPERATOR. THE SECOND SIGN SHOULD BE AT LEAST 8 1/2 INCHES BY 11 INCHES AND SHOULD READ "CAUTION: MANATEE HABITAT". IDLE SPEED IS REQUIRED IF OPERATING A VESSEL IN THE CONSTRUCTION AREA. ALL EQUIPMENT MUST BE SHUTDOWN IF A MANATEE COMES WITHIN 50 FEET OF OPERATION. ANY COLLISION WITH AND/OR INJURY TO A MANATEE SHALL BE REPORTED IMMEDIATELY TO THE FLORIDA MARINE PATROL AT 1-800-DIAL-FMP (1-800-342-5367). THE U.S. FISH AND WILDLIFE SERVICE SHOULD ALSO BE CONTACTED IN VERO BEACH (1-407-562-3909)."

8. PALM BEACH COUNTY SHALL BE RESPONSIBLE FOR SUCCESSFUL COMLETION OF THE MITIGATION PLAN (EXHIBIT 8). SEAGRASS MITIGATION IS SUCCESSFUL WHEN 3.35 ACRES OF SEAGRASS OF AT LEAST 30% DENSITY PER SQUARE METER, PERSIST FOR TWO OF THE FIVE ANNUAL MONITORING REPORTS. IN ANY CASE, MONITORING SHALL CONTINUE FOR A MINIMUM OF FIVE YEARS OR UNTIL TWO YEARS SUCCESS ARE ACHEIVED, WHICHEVER IS GREATER.
9. A POST CONSTRUCTION MANGROVE SURVEY SHALL BE PROVIDED TO THE DISTRICT WITHIN 60 DAYS OF COMPLETION OF SHORELINE RECONSTRUCTION WORK. ANY IMPACTED MANGROVE AREAS WILL BE INDICATED ON THE SURVEY. IF ANY MANGROVES ARE IMPACTED, A MITIGATION PLAN WILL BE SUBMITTED WITHIN 90 DAYS OF THE SURVEY. THE PLAN WILL IDENTIFY MANGROVE MITIGATION AT A RATIO OF THREE ACRES OF MITIGATION FOR EACH ACRE IMPACTED. THE MITIGATION WILL BE ON THE PROJECT SITE. MITIGATION SUCCESS WILL BE DEFINED AS 80%COVERAGE BY MANGROVES FOR TWO CONSECUTIVE YEARS.
10. EXCEPT AS PROVIDED HEREIN, THIS PROJECT DOES NOT CONSTITUTE MITIGATION FOR ANY WORKS WITHIN THE JURISDICTION OF PART IV OF CHAPTER 373, F.S.
11. TURBIDITY SHALL BE MONITORED IN ACCORDANCE WITH EXHIBITS 7A-7E. IF TURBIDITY AT ANY SAMPLE POINT EXCEEDS TURBIDITY AT ANY BACKGROUND POINT BY 29 NTU'S OR GREATER, THE PROJECT SHALL CEASE CONSTRUCTION. CONSTRUCTION SHALL NOT RESUME UNTIL THE TURBIDITY CONTROL PROBLEM IS CORRECTED AND THE DISTRICT CONCURS.

THE 150 METER DISTANCE BETWEEN THE 'BACKGROUND' AND 'COMPLIANCE' STATIONS SHOWN ON EXHIBIT 7D IS THE MIXING ZONE. ELEVATED TURBIDITY LEVELS WITHIN THE MIXING ZONE WILL NOT BE A VIOLATION OF THIS PERMIT. HOWEVER, TURBIDITY SHALL BE WITHIN 29 NTU'S OF NATURAL BACKGROUND OUTSIDE OF THE MIXING ZONE.

GENERAL CONDITIONS

1. ALL ACTIVITIES AUTHORIZED BY THIS PERMIT SHALL BE IMPLEMENTED AS SET FORTH IN THE PLANS, SPECIFICATIONS AND PERFORMANCE CRITERIA AS APPROVED BY THIS PERMIT. ANY DEVIATION FROM THE PERMITTED ACTIVITY AND THE CONDITIONS FOR UNDERTAKING THAT ACTIVITY SHALL CONSTITUTE A VIOLATION OF THIS PERMIT AND PART IV, CHAPTER 373, F.S.
2. THIS PERMIT OR A COPY THEREOF, COMPLETE WITH ALL CONDITIONS, ATTACHMENTS, EXHIBITS, AND MODIFICATIONS SHALL BE KEPT AT THE WORK SITE OF THE PERMITTED ACTIVITY. THE COMPLETE PERMIT SHALL BE AVAILABLE FOR REVIEW AT THE WORK SITE UPON REQUEST BY THE DISTRICT STAFF. THE PERMITTEE SHALL REQUIRE THE CONTRACTOR TO REVIEW THE COMPLETE PERMIT PRIOR TO COMMENCEMENT OF THE ACTIVITY AUTHORIZED BY THIS PERMIT.
3. ACTIVITIES APPROVED BY THIS PERMIT SHALL BE CONDUCTED IN A MANNER WHICH DOES NOT CAUSE VIOLATIONS OF STATE WATER QUALITY STANDARDS. THE PERMITTEE SHALL IMPLEMENT BEST MANAGEMENT PRACTICES FOR EROSION AND POLLUTION CONTROL TO PREVENT VIOLATION OF STATE WATER QUALITY STANDARDS. TEMPORARY EROSION CONTROL SHALL BE IMPLEMENTED PRIOR TO AND DURING CONSTRUCTION, AND PERMANENT CONTROL MEASURES SHALL BE COMPLETED WITHIN 7 DAYS OF ANY CONSTRUCTION ACTIVITY. TURBIDITY BARRIERS SHALL BE INSTALLED AND MAINTAINED AT ALL LOCATIONS WHERE THE POSSIBILITY OF TRANSFERRING SUSPENDED SOLIDS INTO THE RECEIVING WATERBODY EXISTS DUE TO THE PERMITTED WORK. TURBIDITY BARRIERS SHALL REMAIN IN PLACE AT ALL LOCATIONS UNTIL CONSTRUCTION IS COMPLETED AND SOILS ARE STABILIZED AND VEGETATION HAS BEEN ESTABLISHED. ALL PRACTICES SHALL BE IN ACCORDANCE WITH THE GUIDELINES AND SPECIFICATIONS DESCRIBED IN CHAPTER 6 OF THE FLORIDA LAND DEVELOPMENT MANUAL; A GUIDE TO SOUND LAND AND WATER MANAGEMENT (DEPARTMENT OF ENVIRONMENTAL REGULATION, 1988), INCORPORATED BY REFERENCE IN RULE 40E-4.091, F.A.C. UNLESS A PROJECT-SPECIFIC EROSION AND SEDIMENT CONTROL PLAN IS APPROVED AS PART OF THE PERMIT. THEREAFTER THE PERMITTEE SHALL BE RESPONSIBLE FOR THE REMOVAL OF THE BARRIERS. THE PERMITTEE SHALL CORRECT ANY EROSION OR SHOALING THAT CAUSES ADVERSE IMPACTS TO THE WATER RESOURCES.
4. THE PERMITTEE SHALL NOTIFY THE DISTRICT OF THE ANTICIPATED CONSTRUCTION START DATE WITHIN 30 DAYS OF THE DATE THAT THIS PERMIT IS ISSUED. AT LEAST 48 HOURS PRIOR TO COMMENCEMENT OF ACTIVITY AUTHORIZED BY THIS PERMIT, THE PERMITTEE SHALL SUBMIT TO THE DISTRICT AN ENVIRONMENTAL RESOURCE PERMIT CONSTRUCTION COMMENCEMENT NOTICE FORM NO. 0960 INDICATING THE ACTUAL START DATE AND THE EXPECTED COMPLETION DATE.
5. WHEN THE DURATION OF CONSTRUCTION WILL EXCEED ONE YEAR, THE PERMITTEE SHALL SUBMIT CONSTRUCTION STATUS REPORTS TO THE DISTRICT ON AN ANNUAL BASIS UTILIZING AN ANNUAL STATUS REPORT FORM. STATUS REPORT FORMS SHALL BE SUBMITTED THE FOLLOWING JUNE OF EACH YEAR.
6. WITHIN 30 DAYS AFTER COMPLETION OF CONSTRUCTION OF THE PERMITTED ACTIVITY, THE PERMITTEE SHALL SUBMIT A WRITTEN STATEMENT OF COMPLETION AND CERTIFICATION BY A REGISTERED PROFESSIONAL ENGINEER OR OTHER APPROPRIATE INDIVIDUAL AS AUTHORIZED BY LAW, UTILIZING THE SUPPLIED ENVIRONMENTAL RESOURCE PERMIT CONSTRUCTION COMPLETION/CONSTRUCTION CERTIFICATION FORM NO.0881. THE STATEMENT OF COMPLETION AND CERTIFICATION SHALL BE BASED ON ONSITE OBSERVATION OF CONSTRUCTION OR REVIEW OF ASBUILT DRAWINGS FOR THE PURPOSE OF DETERMINING IF THE WORK WAS COMPLETED IN COMPLIANCE WITH PERMITTED PLANS AND SPECIFICATIONS. THIS SUBMITTAL SHALL SERVE TO NOTIFY THE DISTRICT THAT THE SYSTEM IS READY FOR INSPECTION. ADDITIONALLY, IF DEVIATION FROM THE APPROVED DRAWINGS ARE DISCOVERED DURING THE CERTIFICATION PROCESS, THE CERTIFICATION MUST BE ACCOMPANIED BY A COPY OF THE APPROVED PERMIT DRAWINGS WITH DEVIATIONS NOTED. BOTH THE ORIGINAL AND REVISED SPECIFICATIONS MUST BE CLEARLY SHOWN. THE PLANS MUST BE CLEARLY LABELED AS "ASBUILT" OR "RECORD" DRAWING. ALL SURVEYED DIMENSIONS AND ELEVATIONS SHALL BE CERTIFIED BY A REGISTERED SURVEYOR.
7. THE OPERATION PHASE OF THIS PERMIT SHALL NOT BECOME EFFECTIVE: UNTIL THE PERMITTEE

HAS COMPLIED WITH THE REQUIREMENTS OF CONDITION (6) ABOVE, HAS SUBMITTED A REQUEST FOR CONVERSION OF ENVIRONMENTAL RESOURCE PERMIT FROM CONSTRUCTION PHASE TO OPERATION PHASE, FORM NO.0920; THE DISTRICT DETERMINES THE SYSTEM TO BE IN COMPLIANCE WITH THE PERMITTED PLANS AND SPECIFICATIONS; AND THE ENTITY APPROVED BY THE DISTRICT IN ACCORDANCE WITH SECTIONS 9.0 AND 10.0 OF THE BASIS OF REVIEW FOR ENVIRONMENTAL RESOURCE PERMIT APPLICATIONS WITHIN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT - AUGUST 1995, ACCEPTS RESPONSIBILITY FOR OPERATION AND MAINTENANCE OF THE SYSTEM. THE PERMIT SHALL NOT BE TRANSFERRED TO SUCH APPROVED OPERATION AND MAINTENANCE ENTITY UNTIL THE OPERATION PHASE OF THE PERMIT BECOMES EFFECTIVE. FOLLOWING INSPECTION AND APPROVAL OF THE PERMITTED SYSTEM BY THE DISTRICT, THE PERMITTEE SHALL INITIATE TRANSFER OF THE PERMIT TO THE APPROVED RESPONSIBLE OPERATING ENTITY IF DIFFERENT FROM THE PERMITTEE. UNTIL THE PERMIT IS TRANSFERRED PURSUANT TO SECTION 40E-1.6107, F.A.C., THE PERMITTEE SHALL BE LIABLE FOR COMPLIANCE WITH THE TERMS OF THE PERMIT.

8. EACH PHASE OR INDEPENDENT PORTION OF THE PERMITTED SYSTEM MUST BE COMPLETED IN ACCORDANCE WITH THE PERMITTED PLANS AND PERMIT CONDITIONS PRIOR TO THE INITIATION OF THE PERMITTED USE OF SITE INFRASTRUCTURE LOCATED WITHIN THE AREA SERVED BY THAT PORTION OR PHASE OF THE SYSTEM. EACH PHASE OR INDEPENDENT PORTION OF THE SYSTEM MUST BE COMPLETED IN ACCORDANCE WITH THE PERMITTED PLANS AND PERMIT CONDITIONS PRIOR TO TRANSFER OF RESPONSIBILITY FOR OPERATION AND MAINTENANCE OF THE PHASE OR PORTION OF THE SYSTEM TO A LOCAL GOVERNMENT OR OTHER RESPONSIBLE ENTITY.
9. FOR THOSE SYSTEMS THAT WILL BE OPERATED OR MAINTAINED BY AN ENTITY THAT WILL REQUIRE AN EASEMENT OR DEED RESTRICTION IN ORDER TO ENABLE THAT ENTITY TO OPERATE OR MAINTAIN THE SYSTEM IN CONFORMANCE WITH THIS PERMIT, SUCH EASEMENT OR DEED RESTRICTION MUST BE RECORDED IN THE PUBLIC RECORDS AND SUBMITTED TO THE DISTRICT ALONG WITH ANY OTHER FINAL OPERATION AND MAINTENANCE DOCUMENTS REQUIRED BY SECTIONS 9.0 AND 10.0 OF THE BASIS OF REVIEW FOR ENVIRONMENTAL RESOURCE PERMIT APPLICATIONS WITHIN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT - AUGUST 1995, PRIOR TO LOT OR UNIT SALES OR PRIOR TO THE COMPLETION OF THE SYSTEM, WHICHEVER OCCURS FIRST. OTHER DOCUMENTS CONCERNING THE ESTABLISHMENT AND AUTHORITY OF THE OPERATING ENTITY MUST BE FILED WITH THE SECRETARY OF STATE WHERE APPROPRIATE. FOR THOSE SYSTEMS WHICH ARE PROPOSED TO BE MAINTAINED BY THE COUNTY OR MUNICIPAL ENTITIES, FINAL OPERATION AND MAINTENANCE DOCUMENTS MUST BE RECEIVED BY THE DISTRICT WHEN MAINTENANCE AND OPERATION OF THE SYSTEM IS ACCEPTED BY THE LOCAL GOVERNMENT ENTITY. FAILURE TO SUBMIT THE APPROPRIATE FINAL DOCUMENTS WILL RESULT IN THE PERMITTEE REMAINING LIABLE FOR CARRYING OUT MAINTENANCE AND OPERATION OF THE PERMITTED SYSTEM AND ANY OTHER PERMIT CONDITIONS.
10. SHOULD ANY OTHER REGULATORY AGENCY REQUIRE CHANGES TO THE PERMITTED SYSTEM, THE PERMITTEE SHALL NOTIFY THE DISTRICT IN WRITING OF THE CHANGES PRIOR TO IMPLEMENTATION SO THAT A DETERMINATION CAN BE MADE WHETHER A PERMIT MODIFICATION IS REQUIRED.
11. THIS PERMIT DOES NOT ELIMINATE THE NECESSITY TO OBTAIN ANY REQUIRED FEDERAL, STATE, LOCAL AND SPECIAL DISTRICT AUTHORIZATIONS PRIOR TO THE START OF ANY ACTIVITY APPROVED BY THIS PERMIT. THIS PERMIT DOES NOT CONVEY TO THE PERMITTEE OR CREATE IN THE PERMITTEE ANY PROPERTY RIGHT, OR ANY INTEREST IN REAL PROPERTY, NOR DOES IT AUTHORIZE ANY ENTRANCE UPON OR ACTIVITIES ON PROPERTY WHICH IS NOT OWNED OR CONTROLLED BY THE PERMITTEE, OR CONVEY ANY RIGHTS OR PRIVILEGES OTHER THAN THOSE SPECIFIED IN THE PERMIT AND CHAPTER 40E-4 OR CHAPTER 40E-40, F.A.C.
12. THE PERMITTEE IS HEREBY ADVISED THAT SECTION 253.77, F.S. STATES THAT A PERSON MAY NOT COMMENCE ANY EXCAVATION, CONSTRUCTION, OR OTHER ACTIVITY INVOLVING THE USE OF SOVEREIGN OR OTHER LANDS OF THE STATE, THE TITLE TO WHICH IS VESTED IN THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND WITHOUT OBTAINING THE REQUIRED LEASE, LICENSE, EASEMENT, OR OTHER FORM OF CONSENT AUTHORIZING THE PROPOSED USE. THEREFORE, THE PERMITTEE IS RESPONSIBLE FOR OBTAINING ANY NECESSARY AUTHORIZATIONS FROM THE BOARD OF TRUSTEES PRIOR TO COMMENCING ACTIVITY ON SOVEREIGNTY LANDS OR

OTHER STATE-OWNED LANDS.

13. THE PERMITTEE MUST OBTAIN A WATER USE PERMIT PRIOR TO CONSTRUCTION DEWATERING, UNLESS THE WORK QUALIFIES FOR A GENERAL PERMIT PURSUANT TO SUBSECTION 40E-20.302(4), F.A.C., ALSO KNOWN AS THE "NO NOTICE" RULE.
14. THE PERMITTEE SHALL HOLD AND SAVE THE DISTRICT HARMLESS FROM ANY AND ALL DAMAGES, CLAIMS, OR LIABILITIES WHICH MAY ARISE BY REASON OF THE CONSTRUCTION, ALTERATION, OPERATION, MAINTENANCE, REMOVAL, ABANDONMENT OR USE OF ANY SYSTEM AUTHORIZED BY THE PERMIT.
15. ANY DELINEATION OF THE EXTENT OF A WETLAND OR OTHER SURFACE WATER SUBMITTED AS PART OF THE PERMIT APPLICATION, INCLUDING PLANS OR OTHER SUPPORTING DOCUMENTATION, SHALL NOT BE CONSIDERED BINDING UNLESS A SPECIFIC CONDITION OF THIS PERMIT OR A FORMAL DETERMINATION UNDER SECTION 373.421(2), F.S., PROVIDES OTHERWISE.
16. THE PERMITTEE SHALL NOTIFY THE DISTRICT IN WRITING WITHIN 30 DAYS OF ANY SALE, CONVEYANCE, OR OTHER TRANSFER OF OWNERSHIP OR CONTROL OF A PERMITTED SYSTEM OR THE REAL PROPERTY ON WHICH THE PERMITTED SYSTEM IS LOCATED. ALL TRANSFERS OF OWNERSHIP OR TRANSFERS OF A PERMIT ARE SUBJECT TO THE REQUIREMENTS OF RULES 40E-1.6105 AND 40E-1.6107, F.A.C. THE PERMITTEE TRANSFERRING THE PERMIT SHALL REMAIN LIABLE FOR CORRECTIVE ACTIONS THAT MAY BE REQUIRED AS A RESULT OF ANY VIOLATIONS PRIOR TO THE SALE, CONVEYANCE OR OTHER TRANSFER OF THE SYSTEM.
17. UPON REASONABLE NOTICE TO THE PERMITTEE, DISTRICT AUTHORIZED STAFF WITH PROPER IDENTIFICATION SHALL HAVE PERMISSION TO ENTER, INSPECT, SAMPLE AND TEST THE SYSTEM TO INSURE CONFORMITY WITH THE PLANS AND SPECIFICATIONS APPROVED BY THE PERMIT.
18. IF HISTORICAL OR ARCHAEOLOGICAL ARTIFACTS ARE DISCOVERED AT ANY TIME ON THE PROJECT SITE, THE PERMITTEE SHALL IMMEDIATELY NOTIFY THE APPROPRIATE DISTRICT SERVICE CENTER.
19. THE PERMITTEE SHALL IMMEDIATELY NOTIFY THE DISTRICT IN WRITING OF ANY PREVIOUSLY SUBMITTED INFORMATION THAT IS LATER DISCOVERED TO BE INACCURATE.



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
WEST PALM BEACH REGULATORY OFFICE
400 NORTH CONGRESS AVENUE, SUITE 130
WEST PALM BEACH, FLORIDA 33401

Lake Worth Lagoon

DEPARTMENT OF THE ARMY PERMIT (DUPLICATE)

Permittee: Palm Beach County Board of County Commissioners

Permit No. 200002515 (IP-KBH)

Issuing Office: U.S. Army Engineer District, Jacksonville

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: to place an estimated volume of 1,222,559 cubic yards of fill material within approximately 99 acres of previously disturbed tidal waters in Lake Worth. The work would consist of transporting fill material from Peanut Island and John's Island to the project site to raise the elevation to between +1 foot NGVD and -5 foot NGVD. The post-construction features will include the restoration of 1.7 acres of existing mangrove fringe, creation of 11.1 acres of red mangrove habitat, 2.8 acres of smooth cordgrass (*Spartina alterniflora*) wetlands, 2.3 acres of oyster reef, and 57.1 acres of seagrass restoration by the filling of previously excavated submerged bottom to elevations of -5.0 NGVD or shallower. In addition, the project would include the installation of 7,400 linear feet of rip-rap for shoreline stabilization, the removal of 5200 feet of armored shoreline protection, and the placement of fill material in 0.4 acres of tidal waters to enlarge 2 golf tees. The project is as shown and described on attached project drawings, sheets 1-7, dated 05-30-02.

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PERMITTEE: Palm Beach County Board of County Commissioners
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Project Location: The project is located in Sections 15 and 22, Township 44 South, Range 43 East in Lake Worth in Palm Beach County, Florida.

Geographic Position: Latitude 26°37' 30" North
Longitude 80°02' 44" West

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on May 30, 2007. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature and mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your

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PERMITTEE: Palm Beach County Board of County Commissioners
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convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

The attached Special Conditions are applicable only to the above referenced Permit Number:

1. Fill material used for this project shall be limited to suitable, clean fill material, which excludes items such as trash, debris, car bodies, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts (see Section 307 of the Clean Water Act).
2. Reduction and/or elimination of turbid water conditions and the erosion of disturbed or filled areas in adjacent waterbodies and wetlands are to be achieved through the use of silt curtains or screens, between the construction area and wetlands or surface waters, during periods of fill placement. Such devices shall be properly maintained until such time as those disturbed areas become sufficiently stabilized by natural recruitment of vegetation or other measures.
3. The applicant will adhere to the Standard Manatee Protection Guidelines (attached) during the construction of this project.
4. The permittee shall comply with the conditions specified in the South Florida Water Management District Permit Number 50-04766-P (Attachment Number 2).
5. The permittee shall be responsible for implementing the Turbidity Control and Monitoring Plan (Attachment Number 3).
6. The permittee shall be responsible for implementing the City of Lake Worth Wetland Restoration Project Mitigation and Monitoring Plan (Attachment Number 4).

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6. The permittee shall furnish the U.S. Army Corps of Engineers, at the letterhead address, an "As built Drawing" of the completed project including a certified/sealed drawing which includes elevations illustrating the total amount of wetlands impacted by the project. This survey shall be furnished within 30 days of completion of the authorized work for verification and acceptance by the Corps.

7. This project, estimated to cost over \$13 million dollars, will be covered through several restoration programs with the remaining funds coming from the Florida Inland Navigation District (FIND). Therefore, a portion of this project will be considered for future mitigation needs for FIND public works projects based on the performance of the restoration work at the time FIND makes the request that it be utilized. The applicant will perform a final pre-construction environmental resource survey prior to restoring the site to provide a baseline with which to compare future successes.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

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d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces, which this office did not consider in reaching the original public interest decision.

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PERMITTEE: Palm Beach County Board of County Commissioners
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Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

5. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

7. If the work authorized is not completed on or before May 30 2007, authorization, if not previously revoked or specifically extended, shall cease, and be null and void. Please refer to the attached form, *Notification of Administrative Appeal Options and Process*, concerning your options on acceptance of this permit.

PERMIT NUMBER: 200002515 (IP-KBH)

PERMITTEE: Palm Beach County Board of County Commissioners

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Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.



(PERMITTEE)
*Jon Van Arnam, Deputy Director
Environmental Resources Management*

5/31/02
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.



(DISTRICT ENGINEER)
James G. May
Colonel, U.S. Army

5-31-02
(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE-SIGNATURE)

(DATE)

(NAME-PRINTED)

(ADDRESS)

(CITY, STATE, AND ZIP CODE)

PERMIT NUMBER: 200002515(IP-KBH)
PERMITTEE: Palm Beach County Board of County Commissioners
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DEPARTMENT OF THE ARMY PERMIT

Attachments to Department of the Army Permit Number 200002515(IP-KBH)

1. PERMIT DRAWINGS: 7 pages, dated 05-30-02.
2. WATER QUALITY CERTIFICATION: In accordance with General Condition number 5 on page 2 of this DA permit, the South Florida Water Management District Water Quality Certificate #50-004766-P (6 pages dated 02-27-01).
3. Turbidity Control and Monitoring Plan (2 pages).
4. City of Lake Worth Wetland Restoration Project Mitigation and Monitoring Plan (5 pages).
5. Standard Manatee Construction Conditions (5 pages).

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Applicant:		File Number:	Date:
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
	PROFFERED PERMIT (Standard Permit or Letter of permission)		B
	PERMIT DENIAL		C
	APPROVED JURISDICTIONAL DETERMINATION		D
	PRELIMINARY JURISDICTIONAL DETERMINATION		E

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

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B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

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REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

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<p>If you have questions regarding this decision and/or the appeal process you may contact:</p>	<p>If you only have questions regarding the appeal process you may also contact:</p>	
<p>RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.</p>		
<p>Signature of appellant or agent.</p>	<p>Date:</p>	<p>Telephone number:</p>

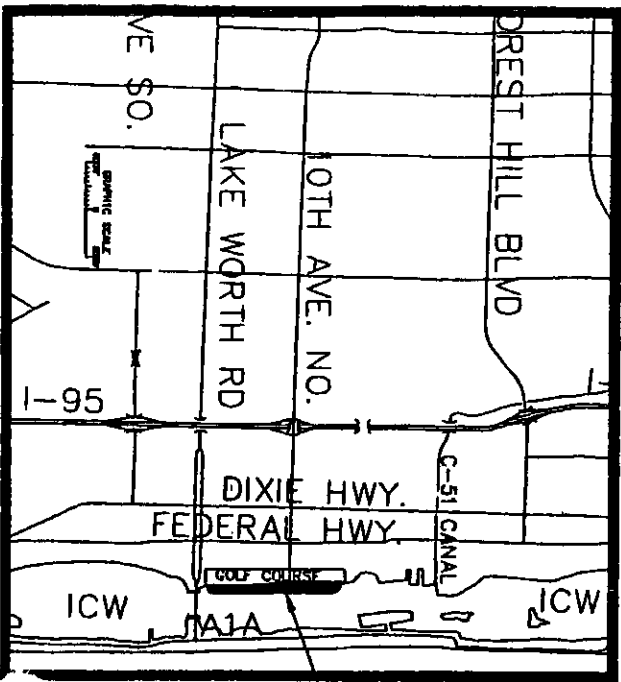


DEPARTMENT OF ENVIRONMENTAL
RESOURCES MANAGEMENT

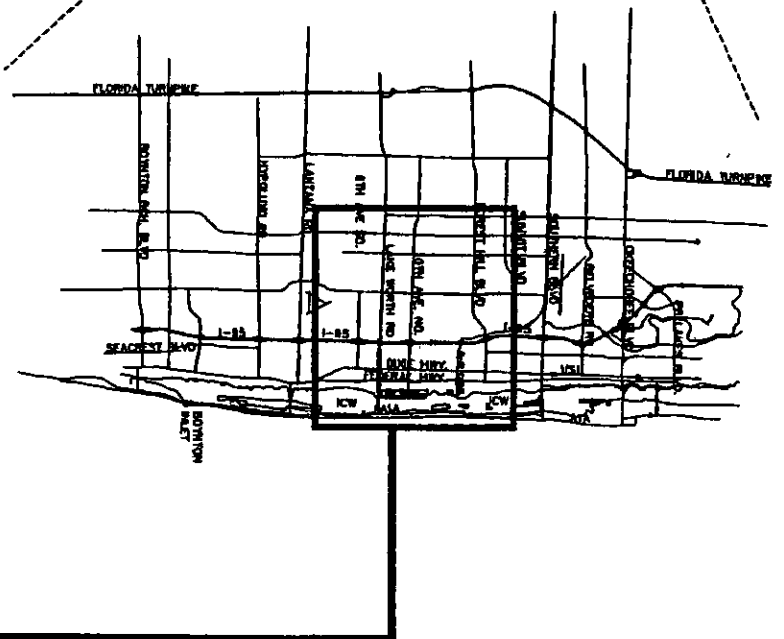
FIGURE 1.
CITY OF LAKE WORTH WETLAND RESTORATION PROJECT
LOCATION AND VICINITY MAP

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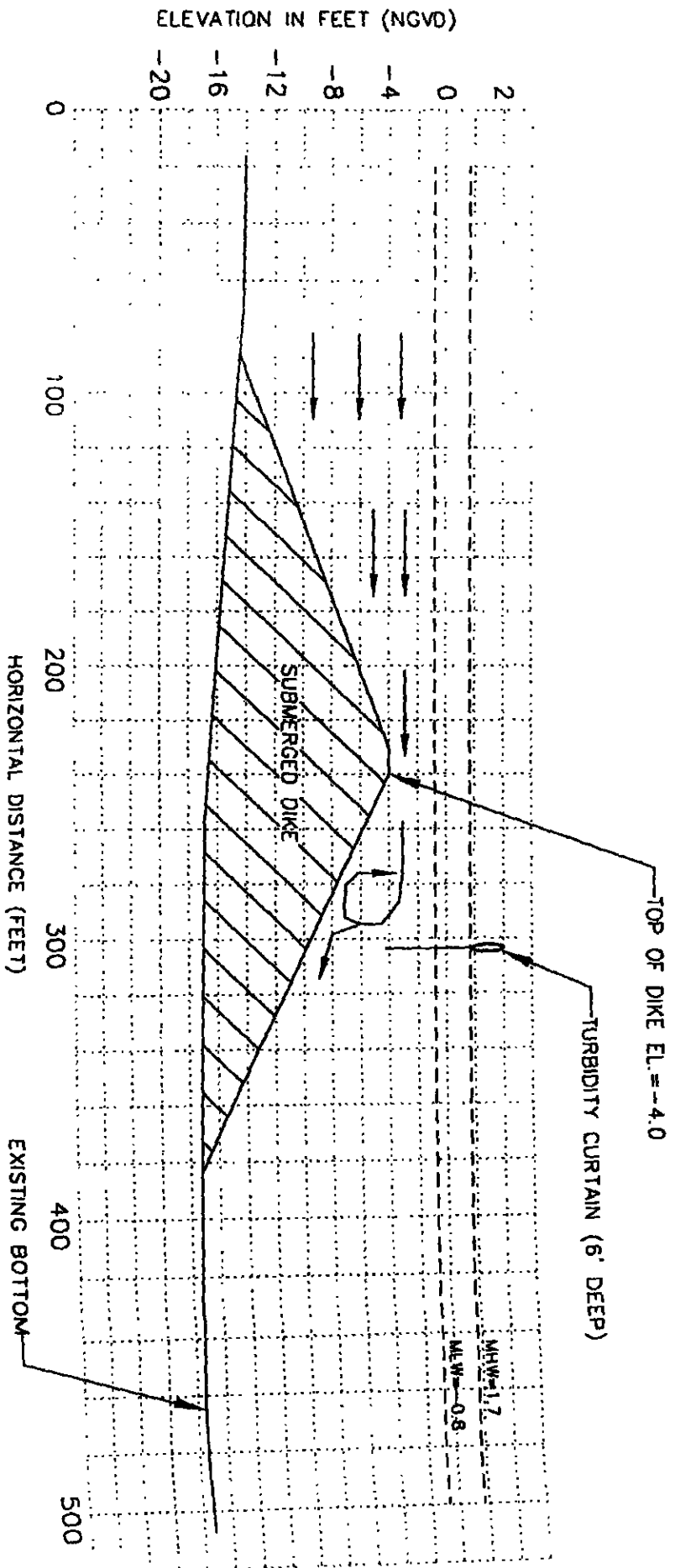
U.S. Army Corps of Engineers
Permit No. 200002515
Drawing Page 1 of 7
Date: May 30, 2002



WETLAND RESTORATION AREA



N →



U.S. Army Corps of Engineers
 Permit No. 200002515
 Drawing Page 6 of 7
 Date: May 30, 2002

EBB
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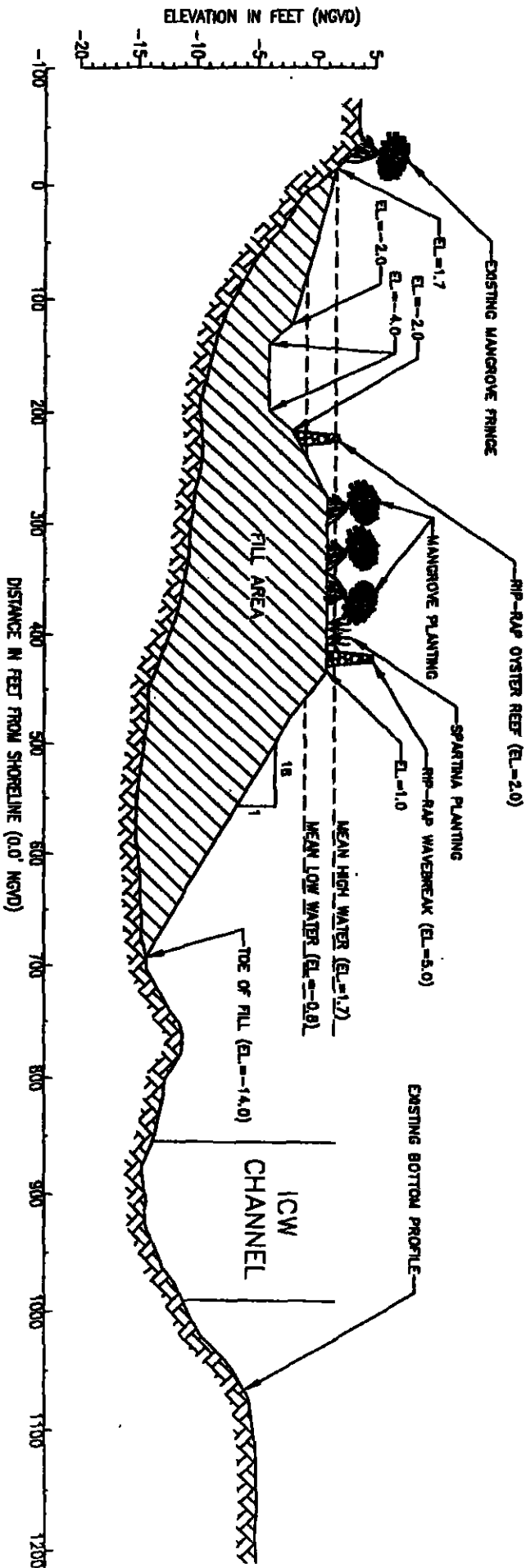


PALM BEACH COUNTY
 DEPARTMENT OF
 ENVIRONMENTAL
 RESOURCES
 MANAGEMENT

FIGURE 2.
 TYPICAL CROSS-SECTION
 TURBIDITY CONTROL DIKE/CURTAIN

Project _____
 Subject _____
 Project No. _____
 Sheet _____ of _____

W → E



SECTION "C"

Quinton W. Johnson
 #32070
 05-25-00

U.S. Army Corps of Engineers
 Permit No. 200002515
 Drawing Page 5 of 7
 Date: May 30, 2002

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- NOTES:
- 1) ALL ELEVATIONS ARE IN FEET REFERENCED TO THE NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGVD).
 - 2) RED MANGROVES TO BE PLANTED 3 FEET ON CENTER; SPARTINA ALTERNIFLORA TO BE PLANTED 2 FEET ON CENTER.
 - 3) ALL SLOPES TO GRADE WEST OF MANGROVE PLANTING AREA WILL BE NO STEEPER THAN 10H:1V.



DEPARTMENT OF
 ENVIRONMENTAL
 RESOURCES
 MANAGEMENT

CITY OF LAKE WORTH WETLAND
 RESTORATION PROJECT

SECTION "C"

FIGURE B.

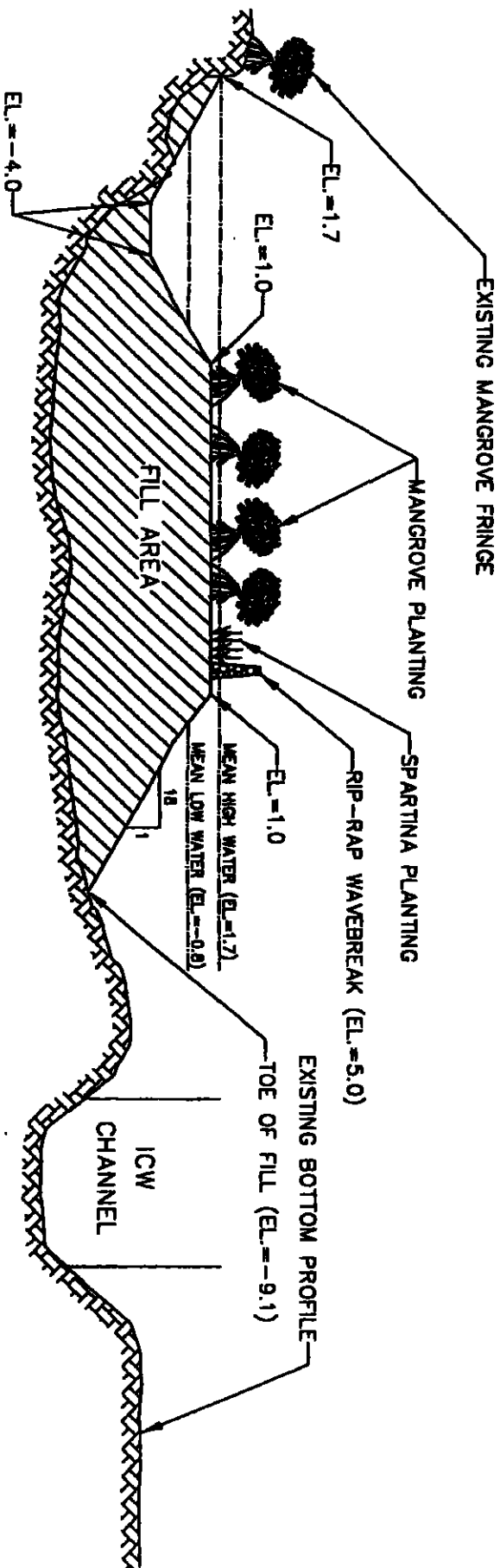
ELEVATION IN FEET (NGVD)

5
0
-5
-10
-15
-20

0 100 200 300 400 500 600 700 800 900 1000 1100 1200 1300

DISTANCE IN FEET FROM SHORELINE (0.0' NGVD)

SECTION "A"



W → E

Oliver L. Thomas
32070
05-25-00

U.S. Army Corps of Engineers
Permit No. 200002515
Drawing Page 3 of 7
Date: May 30, 2002

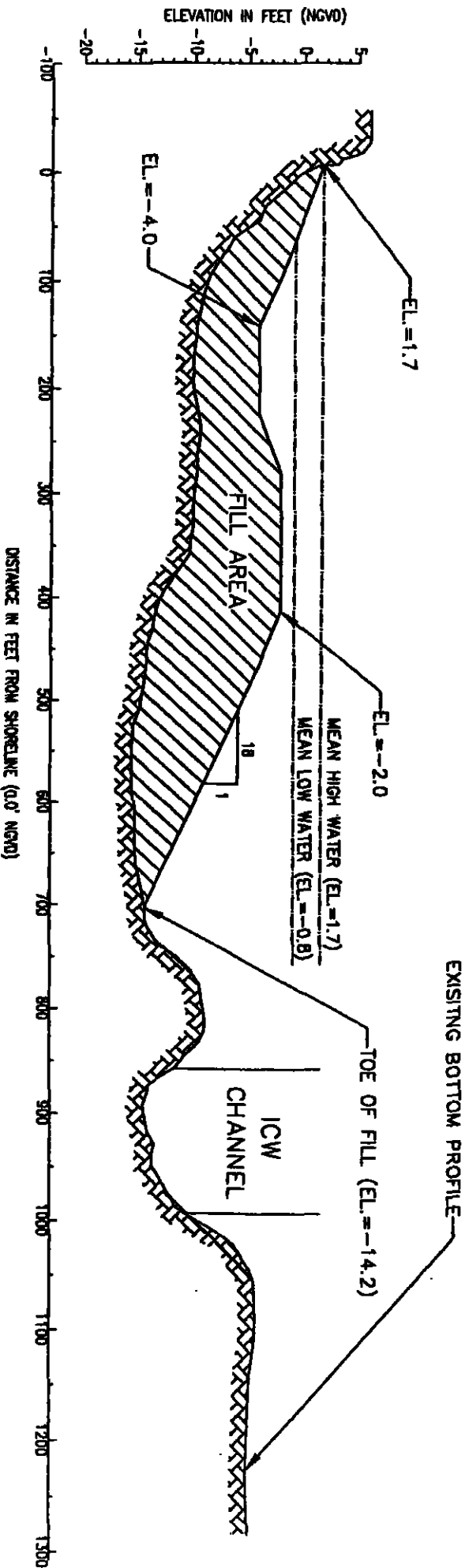
- NOTES:
- 1) ALL ELEVATIONS ARE IN FEET REFERENCED TO THE NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGVD).
 - 2) RED MANGROVES TO BE PLANTED 3 FEET ON CENTER; SPARTINA ALTERNIFLORA TO BE PLANTED 2 FEET ON CENTER.
 - 3) ALL SLOPES TO GRADE WEST OF MANGROVE PLANTING AREA WILL BE NO STEEPER THAN 10H:1V.



PAUL WEAVER COUNTY
DEPARTMENT OF
ENVIRONMENTAL
MANAGEMENT

FIGURE 6.
CITY OF LAKE WORTH WETLAND
RESTORATION PROJECT
SECTION "A"

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SECTION "B"

NOTES:

- 1) ALL ELEVATIONS ARE IN FEET REFERENCED TO THE NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGVD).
- 2) ALL SLOPES TO GRADE NOT SPECIFIED ON DRAWING ARE NO STEEPER THAN 10H:1V.

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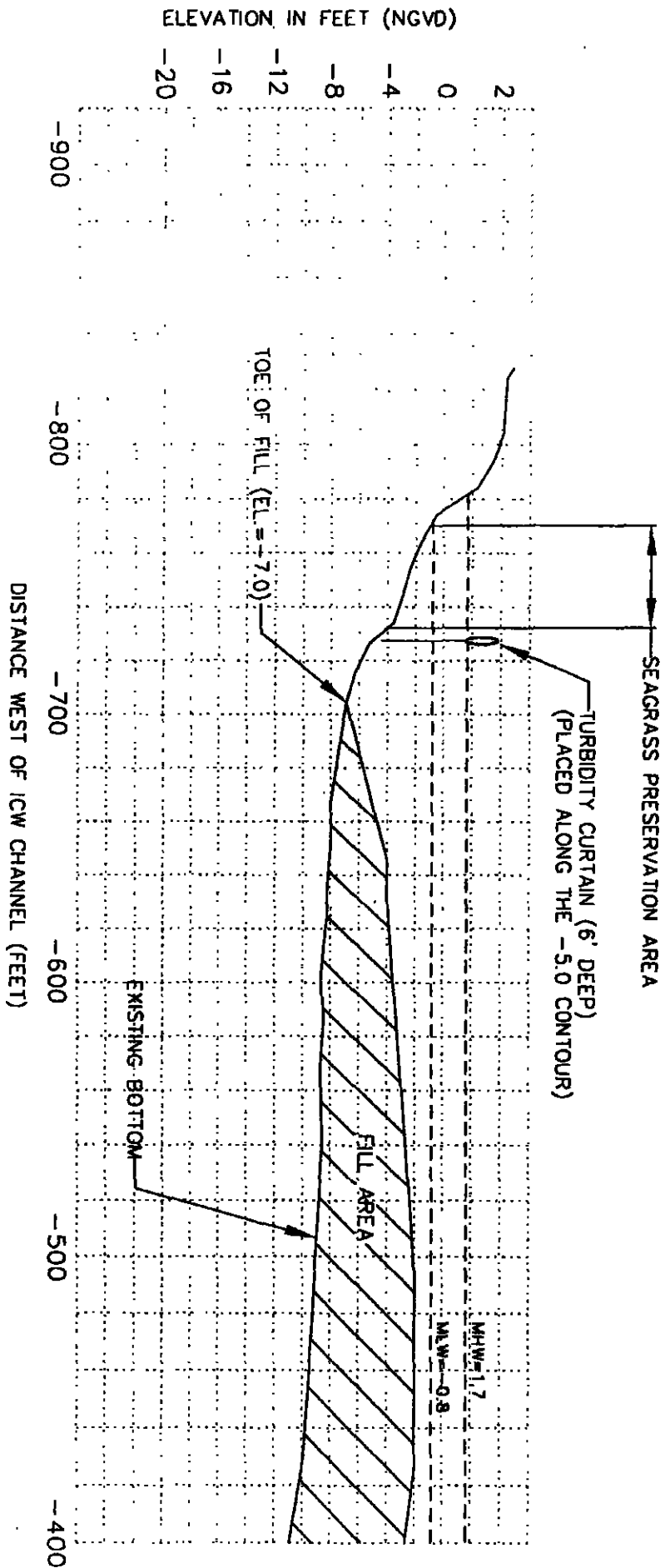
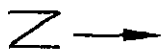
John W. Shaw
#32070
65-25-00



PAUL BAKER COUNTY
DEPARTMENT OF
ENVIRONMENTAL
MANAGEMENT

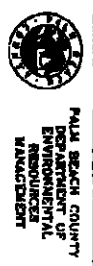
FIGURE 7.
CITY OF LAKE WORTH WETLAND
RESTORATION PROJECT
SECTION "B"

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FIGURE 3.
TYPICAL CROSS-SECTION
TURBIDITY CURTAIN AROUND SEAGRASS
PRESERVATION AREAS 223



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